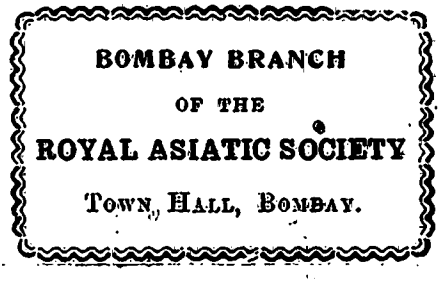
God
904
Rob/His
35441

00035441



Digitized with financial assistance from the
Government of Maharashtra
on 02 July, 2018

HISTORICAL ESSAYS.

Edinburgh: Printed by Thomas and Archibald Constable,

FOR

EDMONSTON AND DOUGLAS.

LONDON . . . . . HAMILTON, ADAMS, AND CO.

CAMBRIDGE . . . . . MACMILLAN AND CO.

GLASGOW . . . . . JAMES MACLEHOSE.

HISTORICAL ESSAYS

IN CONNEXION WITH

35441

THE LAND, THE CHURCH

&c.



BY

E. WILLIAM ROBERTSON

AUTHOR OF "SCOTLAND UNDER HER EARLY KINGS."

EDINBURGH: EDMONSTON AND DOUGLAS

1872.

CONTENTS.

PAGE

PREFACE, ... v

INTRODUCTION, ... vii

STANDARDS OF THE PAST IN WEIGHT AND CURRENCY—

PART THE FIRST.

I. THE ROMAN AND BYZANTINE POUNDS, ... 1

II. TALENTS OF THE CLASSICAL ERA, ... 4

III. THE ROMAN CURRENCY, ... 11

IV. THE STIPENDIUM, ... 14

V. EARLY BYZANTINE CURRENCY, ... 18

NOTE A, ... 24

NOTE B, ... 29

APPROXIMATE STANDARDS, ... 32

TABLE OF WEIGHTS, ... 36

PART THE SECOND.

I. EARLY SUBSTITUTES FOR A COINAGE, ... 37

II. CURRENCY OF THE EARLY FRANKS AND THE HOUSE OF CAPET, ... 41

NOTE A, ... 45

NOTE B, ... 46

III. EARLY GERMANIC AND FRISON CURRENCY, . . 49

IV. NORWEGIAN AND IRISH CURRENCY, ... 52

V. MORABETIN AND EARLY SPANISH CURRENCY, . . 55

PAGE

VI. EARLY ENGLISH CURRENCY AND STANDARDS, . . 60
NOTE C, ... 67
NOTE D, ... 68
MEDIÆVAL STANDARDS, ... 70

THE YEAR AND THE INDICTION, ... 76

THE LAND—
I. THE ACRE, ... 88
II. THE HIDE, ... 92
III. THE LAND-GAVEL, ... 102
IV. THE SHIRE, ... 112
V. SCOTTISH MEASUREMENTS, ... 133
VI. IRISH MEASUREMENTS, ... 143
VII. IRISH LAND-TENURE, ... 152
VIII. THE TOSHACH AND THE THANE, ... 160

CHAPTERS OF ENGLISH HISTORY BEFORE THE CONQUEST—
I. THE KING'S WIFE, ... 166
II. HANDFASTING, ... 172
III. THE KING'S KIN, ... 177
IV. DUNSTAN AND HIS POLICY, ... 189
NOTE A, ... 200
NOTE B, ... 202
V. THE CORONATION OF EDGAR, ... 203

ROME, ... 216
NOTE A, ... 253
NOTE B, ... 256
NOTE C, ... 260
NOTE D, ... 261

PREFACE.

In the following pages I have attempted to throw some light upon various features of the past; and though obsolete Land Customs and Measurements, and Standards of Weight and Currency that have long ceased to be in use, possess but few attractions for the general reader, a certain familiarity with them may be of advantage in investigating the past. The use to which I have occasionally put them will appear further on. Some acquaintance, also, with other questions upon which I have touched, may be of assistance in enabling us, in the present age, to form a clearer conception of the differences separating us from our predecessors in the olden time, as well as of the similarities that unite us with them. Thus the community of a certain period, which is occasionally appealed to as a precedent, differed in many essential particulars from the popular conception formed of it. It could never be revived in its original form, whether that were free or servile, without resuscitating serfdom (or something like it) in the latter case, or again reverting to the tie of kindred by which it was bound together, as long as its members continued to be full-free and independent. The theory that every man is born into the world with equal rights may, or may not, be correct, but it is a theory that would have been repudiated by every member of a free community, whether *Adaling* or *Friling*, with contempt. The equal division of a landed inheritance amongst the heirs again, in the modern acceptation of such a division, never could have existed in an age in which individual right in land was comparatively unknown; for the heir who succeeded to his portion in the division could not have parted with it to a man of alien blood without

the consent of every member of his kindred who had a claim upon it as a joint heir. The right of the heir was not an individual right, with absolute "dominion,"—a property in fee-simple,—but a joint-right, and liable to all the contingencies of a joint-right. An equal division of a landed inheritance between the heirs into separate properties, with absolute dominion, may, or may not, be right in principle, but it should be advocated on its own merits; for it is little in accordance with the practice of the past, that would have ignored or discouraged the idea of a landed property in fee-simple, and entailed, as it were, the land, as a sort of common and inalienable property, upon the kindred.

In the present volume I have confined myself to "the Land;" further on I hope to touch upon "the Church," with which so much of the early history of our islands is closely connected. The sketch thrown together under the heading of "Rome" is necessarily very incomplete and imperfect, but its present form seemed to me to be preferable to distributing the conclusions at which I had arrived amongst a number of separate notes.

NETHERSEALE HALL,
ASHBY-DE-LA-ZOUCH, 25*th Oct.* 1871.

INTRODUCTION.

To look upon the past with the eyes of the present, to judge of its events and of its characters by a similar standard, awarding praise or blame to the men who felt and thought and acted in bygone days, as if their conduct had been shaped in accordance with the ideas influencing their remote descendants,—such has, and is, and ever will be the habit of the majority of living men. One age is fond of clothing another (practically as well as figuratively) in the dress that suits its own ideas; and as the Sponsalizia presents us with Raphael's conception of the Temple, or of a Jewish synagogue, so the guests at the Marriage-feast of Cana wear the Venetian satins familiar to Paul Veronese. Macbeth in bag-wig, sword, and ruffles satisfied the eighteenth century, whilst the nineteenth insists upon the tartan. Each age is marked by its own peculiarities,—by the presence or absence of certain characteristic features through which its productions may be often recognised. Beato Angelico peoples Hell with friars; a condemnation of their practices, in the fifteenth century, which would have scarcely appeared upon the canvas of an orthodox Italian in an age inclined to conceal their iniquities. Hence the paintings of Angelico, even if the name of the artist were unknown, might be assigned with safety to the era immediately preceding the Reformation. The writer is apt to reflect the peculiarities of the age in which he lives quite as much as the painter, and thus is influenced, insensibly, in his delineations of the past; whilst both labour occasionally under a similar difficulty,—their representations, if too truthful, are either disbelieved, or cease to be regarded with any interest.

Towards the opening of the sixteenth century the history of the middle ages may be said to blend with the history of modern times, the two preceding centuries representing the true "age of chivalry," during which feudalism, having attained its height, decayed. It is with the feudalism of this later period, in which the spirit of the original system was dead (for it had passed away with the state of society out of which it first arose)—with chivalric feudalism, so to say, in which there is something

to attract as well as to repel—that the present age is most familiar, and our impressions of earlier times are apt to be influenced accordingly. A similar remark is applicable to our conception of the ecclesiastical as well as the political system before the thirteenth century, for the "ancient customs" of the Church can occasionally be dated no further back than the era between Innocent and Hildebrand. The present age, however, simply repeats the habit of the past. In the opinion of "a Squyer of Englande, called Henry Castyde, an honest man and a wyse, and coud well speke Frenche ... Saint Edward, kyng of Englande, lorde of Irelande and of Acquitayn, who is a saynt and canonysed . . . subdued the Danes, and disconfyted them by batayle on the see thre tymes . . . and bare a crosse patent, golde and goules, with four white martinettis in the felde," a popular banner amongst the Irish in the reign of Richard II., for some inscrutable reason. Such was the character attributed to the Confessor in the age in which Froissart was writing, varying not a little in its features from the portrait left of the saintly king by his contemporaries, and, with many another similar instance, warning all who wish to arrive at the truth, to view with a certain amount of mistrust the versions of past occurrences given by writers, living some two or three centuries after the events they notice are supposed to have happened. The difference, indeed, between the actual history of the past and the conception entertained, or the version given of it, in a later age, is occasionally very remarkable. According to one of the versions of the Confessor's laws, Edgar's code remained in abeyance for sixty-eight years, or from the death of the king to the accession of his grandson, the Confessor. Yet this statement is directly contradicted by the entry in the Saxon Chronicle under 1018, in which year the laws of Edgar were confirmed by Dane and Angle at Oxford, as well as by the still existing laws of Ethelred and Canute, which are little more than repetitions of Edgar's Code. The so-called laws of the Confessor seem to have been collected into a written form in the reign of Henry II., about the time when Glanville composed his celebrated treatise on the Law; and it would appear to have been in accordance with the theory of that age to represent the Danish occupation as an era of tyranny and oppression, from which the country was relieved by the Confessor, whose "cousin," after crushing the "rebellion" of Harold, confirmed the old laws of the realm revived by Edward. The recollection of the earlier conquest and occupation of the country began to fade away in the course of the following century, the Norman grew into the typical oppressor instead of the Dane (though the latter still retains his place as the typical "enemy" in popular tradition), and, accordingly,

a different colouring was given to the events of the eleventh century by the writers of the later period.

In the writings of the annalist, and of the chronicler, we often find little more than a bare record of past or passing events; but in the regulations of the code, and under the forms of the chartulary, often lie hidden the real causes of events. It is unnecessary to expatiate upon the influence exercised by improvements in military arms, in organization, in discipline, and in the general science of war, upon the history of comparatively modern times; in the enactment of the code, in the stipulation of the charter, such progress is often traceable from very early times; yet how seldom is it noticed by the historian! The system originated by Gustavus Adolphus turned the tide of victory against the imperial arms in Germany, and won more than one hard-fought field in England, when used by Fairfax and Cromwell against the ill-regulated valour of the supporters of King Charles. The innovations introduced by Frederick the Great contributed to place Prussia upon a footing with the greater powers of Europe, and the events that have lately passed, or are even now passing under our eyes, need no comment. Living men note these things in their own generation, but in writing the history of the past are apt to pay too little attention to their importance at the moment of their introduction. Results are noticed without inquiring into causes, and are not unfrequently attributed to any rather than the true causes. The dagger screwed into the muzzle of the musket first placed that weapon on a footing with the pike at close quarters; the bayonet attached to the end of the barrel completed its efficiency without interfering with its use as a firearm. The firelock, and the iron ramrod, each made a mark, however small that mark may have been, upon some portion of the history of the last two centuries; and the changes and improvements of yet earlier times were not without their influence at the date of their introduction, however little that influence may have been noticed.

The supremacy of the Franks over their neighbours in early times may be attributed, in a great measure, to the superiority in military equipment that enabled them to oppose a well-armed force to men who, though equally brave, were far less efficient in arms and organization. Various enactments in the Capitularies disclose the care with which Charlemagne was accustomed to provide for the necessary contingencies of a campaign. Each man crossed the Mark with provisions for three and clothing and equipment for six months. In every imperial vill a storehouse (*camera*) was established, in which were implements and necessaries of every description, "so that there be no need of seeking

for or hiring them in any place whatever," and upon the close of the campaign they were to be returned into store. "Our carts that go to the war" were all to be made of the same size, so as to carry twelve *modii* of corn or of wine, and to be covered with leather, carefully sewed together, so as to avoid letting in the water in fording rivers. To each cart a lance and shield, with a bow and quiver, were permanently attached, as arms for the baggage-guard. But the main feature in the equipment of the Kaisar's army was the *Brunia*, or breast-defence; the *Brynia* of the North and *Byrnie* of our old English laws. Every possessor of twelve *mansi* was bound to provide himself with a byrnie, and wear it on service—carrying arms in time of peace was forbidden—he who failed in this particular being placed upon the same footing as the deserter of his comrade in battle, forfeiting both property and honour. As the legal value of the byrnie was assessed, about the same period, at the amount paid as land-tax from twelve mansi, in the regulation about the byrnie, which appears to have been in existence before the reign of Charlemagne (and may perhaps be associated with the ascendancy of the Austrasian House), may be traced the germs of the system of military tenure, by which the earlier obligation of a money-payment seems to have been commuted for efficiency in military equipment. As land increased in value the equivalent of the original twelve mansi sunk to ten, to eight, to six, and finally to five, four, and even three, until the amount of service required from the land began to be regulated by the value instead of by the extent of the latter. The original regulation about the byrnie was incumbent upon the allodial as well as upon the beneficiary proprietary, though more especially binding upon the *Vassi Indominicati*, or baronage of the age; and it must have placed a numerous and well-equipped body of soldiery at the disposal of the Kaisar. As every offence committed "in the host" was punished by a threefold mulct, and drunkenness was atoned for by a diet of bread and water, the discipline, as well as the organization of the army, was at the highest pitch of excellence with which the age was acquainted. No byrnie was to be sold or given to a Saxon, a most convincing proof of the Kaisar's opinion of its value, and of the jealous care with which he strove to preserve and perpetuate the military supremacy of his own people.

Just as the Western Empire may be said, in a certain sense, to have been founded on the Byrnie, so the "kingdom," in the modern meaning of the word, may be said to date its rise, both in Germany and England, from the era of walled towns. The ninth and tenth centuries witnessed the rise of permanent fortifications in Western Europe. Migratory tribes

were always attended by a string of carts; and long after they conformed to comparatively settled habits their armies were accompanied by a similar train. Encircled by these carts they bivouacked for the night, or sheltered themselves against the attack of a superior force, occasionally throwing up earthworks or barricades, when they occupied a position for a considerable length of time. The custom was as old as the days in which Goliath "went up out of the camp of the Philistines" to defy the hosts of Israel, no man "going out" to meet him from the opposite camp; and after a lapse of twenty centuries it was still in force in Ireland, when Niel entrenched himself in Magh Femhin, and attacked the Northmen, on the 20th of August 917, as they were ravaging the district. "Then there were more slain of the Gall than of the Gael; but the Gall issued out of their camp in support of their men, who were retreating; and the Gael retired to their own camp as soon as Ragnal, King of the Dugall, reached the enemy with reinforcements. Then King Niel left his camp, and offered battle to the Gall, who declined to accept it in the position he chose. And the king remained for twenty nights in the face of the enemy, and sent orders to the Leinstermen to keep close in their camp, as he did." But the Leinstermen disobeyed him, attacked Ragnal's brother Sitric in his "camp" at Kinfurt, and were signally defeated, the victors marching into Dublin unopposed, as the place was evidently utterly defenceless. Thus there was nothing to resist an enemy if the camp was once carried by storm, or if the army was so thoroughly defeated as to be unable to fall back upon it for shelter. The Northmen, sailing up the rivers of France and England, ravaged the open country with impunity, whilst in central Europe "defenceless Saxony, in which there is neither mountain nor walled town," was a helpless prey to the Hun and the Magyar; and in order to resist the ravages of these Pagan spoilers, the *Burh*, or burgh of early days, was called into existence in England and in Northern Germany. The open village was converted into a permanently entrenched camp, sheltering its defenders from sudden attacks, and guarding the road, or protecting the passage of the river, and thus securing a firm hold upon the surrounding district.

We may look in vain for any regulations about the burgh and its defenders in the ancient codes supposed to have been collected by Charlemagne; but in the days of his immediate descendants the germs of the system of permanent fortifications begin to be traceable. "From every hundred mansi a Hagerman, and from every thousand a cart with two oxen . . . so that the Hagermen should cultivate and guard the place of strength he ordered to be built of wood and stone in that locality—

(quatinus illi Haistaldi *castellum* . . . excolerent et custodirent)." Such, for instance, is the description left in Hincmar's Annals of the proceeding of Charles the Bald in 869. *Castellum* is the word used by Jerome in the Vulgate for a vill, or township with its *ham* or open village, but it is evidently applied by Hincmar in this passage to an enclosed village or walled town, with its *Banlieue*, which was to be cultivated by the defenders of the *Burh*. The early castellum seems to have been generally provided with its *cippus*, or stocks, in which refractory slaves were confined—the village "cage;" and the word, which meant originally a stake that was used, amongst other purposes, as a palisade in war, gradually became connected with the idea of a place of strength and confinement. When the castellum in later times was the property of a lord, the "Cippus dominicus" was the place in which he immured delinquents and his prisoners; and thus, in course of time, the palisaded enclosure of the open village grew into the "Donjon Keep" of the feudal castle. As the lesser freemen, the rural soldiery, or *milites agrarii* of Widukind, were collected from the country districts into walled towns, the burgh began to supplant the moot-hill as the recognised place of meeting for the community. Every council, and every assemblage, whether judicial or convivial, was to be held in a walled town, according to the ordinance of Henry the Fowler; and our own old codes afford abundant evidence of a very similar state of affairs existing in England about the same period. The burgh became the centre of all the traffic of the age, occasionally the seat of a royal mint, and generally of a royal official; whilst, as the lesser freeholders of the allodial period, the *Minores Pagenses* of the earlier codes, were withdrawn from the rural districts into towns, the country became more and more abandoned to the villeinage and to the beneficiary classes, the latter the predecessors of the knights and barons of a later era. Such are a few of the results that may be connected with the system of permanent fortifications, first introduced, in certain quarters, in order to resist the ravages of the Northman and the Magyar. So well were the practical results of this system appreciated in the course of their development, that, wherever the lesser freeholders were powerful, as amongst the Frisons, no wall was allowed to be raised in a rural district above a certain height; and a very similar restriction will be found in the old Saxon code, the Sachsenspiegel.

The Northmen may be credited with other innovations that led to important consequences at the time of their introduction. Harfager built "tall ships," covering over the fore-part of the vessel as a place of strength, and, filling this "forecastle" with chosen fighting men, known

as *Berserkers*, he laid his ships alongside the enemy, and carried their vessels by boarding. Thus he founded the kingdom of Norway, and bequeathed his system of fighting at sea to the Norsemen. A heavy axe wielded with both hands, or a long sword similarly used, were the chosen weapons of the fighting portion of the crew, who remained under the shelter of the forecastle until they came into close action; and if unsuccessful, or driven from their own ships, plunged into the sea and endeavoured to escape by swimming. Defensive armour would have been an unnecessary protection in the forecastle, a worse than useless encumbrance in the sea; and Jarl Hacon, in his combat with the Jomsvikings, cast aside his torn *brynie* as useless, as soon as he prepared to carry his enemy's vessel by boarding. Hence the Berserker, who seems to have owed his name to fighting without a *Hring-serc*, or shirt of mail, was essentially a combatant at close quarters; and neither Frank nor island Saxon could withstand the onset of the Norsemen when they first encountered the formidable weapons that won for the men who wielded them Normandy and the English Danelage. The Northman for a time replaced the Saxon in the Capitularies, for no byrnie was to be given or sold to him on any pretence—an enactment that would have been unnecessary had not the ranks of the Northmen, in early days, been filled with Berserkers. The "Hache Noresche," or two-handed axe, became a favourite instrument of war in every quarter of the British isles, and, long after it had ceased to be used elsewhere, was still retained in the Scottish Highlands, and amongst the Irish, with whom the man-at-arms was long known as the *Gall-oglach* (Gallowglasse) or "foreign soldier,"—a name derived apparently from the character of his equipment.

Towards the middle of the eleventh century the island Saxon was noted for his wealth, his rich apparel, and his luxurious living, but he seems to have paid little attention to the art of war, and went to battle much in the same fashion as his ancestors in the reigns of Edward the Elder and his sons. The horseman, amongst the early Celts and Teutons, was mounted upon an animal of small size, and used his spears (for he carried more than one) as missile weapons, avoiding the actual shock of battle, in which he would have soon been unhorsed, and dismounting when he fought at close quarters. Without the stirrup and the horse-shoe, the mounted man-at-arms of the middle ages, who used his spear as a lance in rest, and bore down opposition by the weight of his charge, could never have been called into existence; and for the stirrup and the horse-shoe, the people of modern Europe are indebted neither to

Greek nor Roman, in whose languages the words will not be found, but to the Hun. Against the downward stroke of the Hache Noresche the Byrnie must have proved an inefficient protection, and accordingly the "breast-defence" was superseded by the "neck-defence,"—the *Halsberg*, Hauberc, or shirt of mail with a hood that was drawn over the head, thus protecting the neck and shoulders. The Hauberc was provided with long sleeves covering the arms, and, as it reached below the knees, was essentially the equipment of a horseman, who, no longer using his spear as a missile weapon, cleared a way with it at close quarters, relying upon the weight and protection of his armour. As weight grew to be indispensable to the mounted cavalier, a lighter equipment, and a missile weapon that could be felt from afar, became necessities for the infantry; and thus the horseman sought the *mêlée* instead of avoiding it, whilst the bow was given to the soldier who fought on foot, and archery became, in a certain sense, the artillery of the age. The bow, though little used apparently in England except in the chase, had long been familiar to the Normans as a weapon of war, playing an important part in the naval engagements of their ancestors, with whom it had always been an object to shoot the steersman of the enemy's vessel. Lapps and Finns were especially noted as marksmen, as they continue to be at the present day with the rifle; and both descriptions of arrows were in use, the *Boga-skot* and *Gaflok*, or Pile and Broad arrow. But the strength of the English army still lay in its heavy-armed infantry, and they seem to have been fond of bringing matters to a crisis in the *mêlée*, in which their two-handed weapons must have played a formidable part. England, indeed, a wooded and not a champaign country, must have been ill adapted to cavalry; and when Ralph, the Norman Earl of Hereford, in accordance with the usual system of his countrymen, mounted his English followers to attack the Welsh, they turned and fled "because they were on horses." It is difficult to look at the Bayeux tapestry, or to read the descriptions of Wace, without perceiving that Harold's men were behindhand in military equipment, and that the island Saxon had not kept pace with the improvements of the age.

"Cors haubers orent, et petis,
E helmes de sor les vestis."

The *Gueldons*, or soldiery forming the real strength of the army, wore a headpiece unprotected by the "neck-defence," and the short hauberc or haubergeon, adapted to the heavy-armed foot-soldier—an equipment answering to the "haubergeon et chapel de fer" required, in the reign

of Henry the Second, for a secondary class of soldiery inferior in standing to the fully armed man-at-arms; whilst their favourite axe is stigmatized by Wace as a clumsy weapon, requiring both hands to wield it—thus leaving the body without protection against the lance of the horseman and the arrow of the bowman. "You have plenty of men, but a rabble of vilanaille in their everyday dress is not worth much in battle. I fear the Normans much, for they are all well armed, and on horseback, and will trample your people under foot. They have lance and shield, hauberc, helm, and sword, with bows and broad arrows that fly swifter than a bird." Such are the words that are placed in the mouth of Gurth by Wace; and Harold, an able and experienced leader, seems to have been fully awake to the danger of encountering William's horsemen in the open field. Falling back upon the tactics of an earlier age, he entrenched his army, well knowing that his enemy, in a hostile country, dared not leave such a force in his rear; and as long as the Norman attack was confined to attempts at carrying the barricade by storm, the advantage lay with its defenders, "for every Norman who forced his way through lost his life by axe or club." But as soon as Harold's men, galled by a shower of arrows to which they could make no return, were tempted to follow the retreating ranks of the Norman horsemen, they were drawn away from their barricade, and their defeat became a matter of certainty. Whenever brave men meet in battle, victory, under ordinary circumstances, is sure to incline to the side that is best prepared for the conflict. Such is the lesson to be learned from the battle of Hastings.

The advantages that William gained by the superior equipment and organization of his army were secured by building castles; for stone fortifications of this description seem to have been little, if at all, known in England before his time. Not only the surrounding country, but the burgh itself, was dominated by the castellan and his garrison, and from the introduction of the castle the burghers of northern and central Europe, as a body, began to lose their warlike attributes, exchanging their original character more and more for that of a trading class. Only the larger and more populous burghs, such as London, and the great cities of Flanders and the Empire were able to resist this influence, always remaining formidable from the number of their inhabitants far surpassing the power of any garrison to control them. Castle-building may be said to have been carried out by the Crown and the greater feudatories during the next two or three centuries, securing England for the Conqueror and his successors, and confirming the hold of David and

his house upon Scotland, whilst it was the policy recommended by Giraldus for completing the conquest of Ireland. It also enabled the armies of the time to dispense with a portion of the unarmed rabble that was the necessary attendant of an army before that time; for in the friendly castle, towards which the march of the host was directed, were to be found the various stores and necessaries which would have been carried upon a train of carts, "requisitioned" from the villeinage in the days of Charlemagne. Thus a well-armed body of soldiery, fewer in number but far more efficient, though costly to equip and support, began to take the place of the half-armed multitude of earlier days, who were latterly known as "the rascalry."

Henry Fitz-Empress is the first of the English kings in whose reign may be traced an Assize at Arms, by which a certain light is thrown upon the character of the free population of England at that time. It had been for some time incumbent upon every English freeholder of a certain standing, holding by military service, or *fief de hauberc* (per loricam), to provide a mounted man-at-arms in full armour for every 20 lbs. of land. The rule was now extended to the free community at large, every member of which became bound to provide himself, according to his property, with offensive and defensive arms, to be bequeathed to his heir; and the example of the English king was followed by Philip of France and the Count of Flanders. By this time, as may be gathered from the *Dialogus de Scaccario*, the law of *Murdrum*, by which the man found dead was paid for by the district as a Norman if not "proved English," had become a dead letter, on account of the difficulty of "proving Englishry" amongst the free classes, or distinguishing their nationality, so thoroughly had they become intermingled at the period in which the Dialogue was written. It was in consequence of this intermixture of the two races that the whole free population, as is shown by the Assize of the first Plantagenet, could be safely intrusted with arms. None but the actual supporters of Harold who fought at Hastings, or their representatives, were forfeited after the Conquest according to the author of the Dialogue, the remaining landowners retaining their properties, but without the power of bequeathing them. No grant or charter of an earlier date was looked upon as binding; but upon the death of the actual holders, the heirs had to make their own terms with the king, or with one of the great Norman overlords, amongst whom the rest of England was divided; and probably, like the barons of William Rufus, they bought back their lands at the full value. Henry the First promised to forego this custom, in the charter in which he also relieved

all lands held in *Fief de hauberc* from the burdens entailed by the earlier system of Thanage; and from the opening of the twelfth century began that amalgamation amongst the members of the free community through which the law of *Murdrum* had died out, for all practical purposes, in the reign of his grandson, when the right of inheriting and bequeathing property was fully acknowledged. But so thoroughly had the recollection of the real state of the free population at this time died out in the following century, that the authorities of a later period often write as if the native element in the population groaned under the oppression of an alien race until the reign of John; whilst the question that was a difficulty in the twelfth century—tracing the descent of the free classes from a Norman or an English ancestor—is solved with facility by the learned in such matters at the present day![1]

Richard was always occupied with the Crusade, or with his wars with France; John relied, and with reason, upon his mercenaries, and during the earlier portion of his son's reign, foreign influences prevailed in England. It is not surprising, therefore, that seventy years and upwards were suffered to elapse before it was again thought necessary to insist upon arming the community—ever heedless, apparently, upon this point—and the royal order, which seems to have been regarded as a novelty by Paris and his contemporaries (so soon are we forgetful of much that has happened before our own time), was "hailed with acclamation throughout the land." Henceforth England, "like Italy," was to be powerful in her armed hosts, and the revival of the Assize at Arms was followed almost immediately by the Barons' War. Edward I., like his great-grandfather, seems to have been partial to "la grande guerre" of his age, occasionally known as *Gallica Militia*, or French tactics; and his wars with the Welsh soon taught him the weak point in his own army. From this time he appears to have sacrificed everything to the "cheval couvert," the Destrier, or great war-horse, covered with armour; and in 1282, "on account of the serious deficiency of large and competent war-horses in our realm," he ordered that every owner of 30 lbs. of land should provide himself with a "cheval couvert," all lesser pro-

[1] Most of the Confessor's servants appear to have remained undisturbed by William. Scarcely a single forester, for instance (if any), was introduced from Normandy; for, as Edward was a sportsman, his keepers probably knew their business, and "his father held it in King Edward's time," or some similar notice, is generally appended to their names in the Survey. Against one class, however, the Conqueror seems to have been inexorable, and some may think with reason, for Domesday may be searched in vain for a solitary instance of the retention in the royal household of any of King Edward's —*cooks*.

prietors, down to the owner of 3 lbs. of land, uniting to provide a horse of a similar description. Accordingly, when he marched into Scotland in 1298, in addition to a numerous array of mounted men and infantry, he carried with him a body of three thousand horsemen, mounted on covered horses, a force that was irresistible, when operating in a country adapted to cavalry, against anything that could be brought against it by the Scots. Half a century of careful regulations about military equipment, and the supervision of one of the most able kings and generals of his time, had raised the English army to the highest standard of the age; but Scotland, after seventy years of comparative peace and prosperity, still remained in the position held by England in the middle of the century, and Falkirk was but a repetition of Hastings, and of many a battle fought under similar circumstances. Wallace grouped his spearmen into four circles, that were thought impenetrable (as they were) to "man of blode," though they proved incapable of resisting man and horse of iron. Between these circles he ranged his archers, placing in reserve his thousand mounted men, who soon fled, for they were far too few in number to be of any use. Edward's heavy cavalry, after riding down the archers without much difficulty, closed in upon the circles, whilst his infantry, of whom he seems to have made little account, shot at their helpless foes with arrows, and pelted them with stones. In the description left by Wace of the battle of Hastings, the English Gueldons are represented as occasionally closing with the Norman horsemen, and sometimes succeeding in cutting down their horses by a stroke of the axe. But no such feat was possible against horses covered with armour, and the English horsemen, after transfixing a few of the spearmen in the front rank with their long lances, forced their mail-clad chargers into the gaps thus made in the circles, and soon succeeded in breaking them up. The impunity with which they accomplished this feat of arms, which would have been impracticable for horsemen mounted on unprotected chargers, may be gathered from the fact that only two men of note fell upon the English side, the Master of the Temple and the Prior of Torphichen.

By basing his opposition to the superior forces of the invaders upon a totally different system, Bruce succeeded in undoing all that Edward had accomplished. The Gallica Militia, indeed, was only adapted to a country fitted for the evolutions of heavy cavalry, and it was resisted with success, about the opening of the fourteenth century, in the swamps of the Low Countries, and amidst the broken ground and mountain passes of Switzerland and Scotland. Edward, like his con-

temporaries, may have carried his fondness for heavy cavalry too far, for, as soon as he was in his grave, his system was modified. The lesser proprietors were released from the necessity of providing Destriers, the "poor knight" ceased to be summoned to the army, and a fully armed horseman, mounted on a covered horse, was only required from the great knight's-fee, or 40 lbs. of land. All the lesser proprietors were bound to serve as light horsemen, or as well-armed infantry, and, in the second year of the new king's reign, Richard de Burgh was ordered to forward from Ireland 300 *Hobelers* for service in the Scottish wars. This is the earliest allusion to the light horseman in the English armies of that period; but though the Hobeler was first imported from Ireland, in consequence, apparently, of the absence of such a class in England, he soon became an important member of the forces raised at home. From the date of the French wars, and even earlier, pay was regularly issued to an army in the field, and the fighting men grew more and more into a "soldiery," or a class following the profession of arms for pay. The flower of such a soldiery, however, continued to be furnished from amongst the landowners, great and small, serving for pay during the campaign; and the composition of a "corps d'élite" in the fifteenth century was still described as consisting of

> "Knights, and squires, and men of high degree,
> And yeomen bold, withouten rascalry."

The Land; the Church—how far does the conception entertained of the past, in the present day, correspond in either case with the truth? Are we not apt to fix our eyes upon the free community of a certain stage of society, and dilate upon its supposed advantages, ignoring the mass of servitude that escapes our notice, and forgetting that the whole of the classes usually known as "the lower orders" were condemned, during the palmy days of the free community, to remain in hopeless thraldom? The lowest free member of the Athenian democracy was looked upon as a poor man if he had not in his possession at the least six or seven slaves; and however democratic may have been the principles of the republics of antiquity, or of the free communities of the earlier portion of the Christian era, the liberty and the equality were enjoyed by the privileged classes alone, never penetrating far below the surface or upper crust of society. Judged by the standard of the present day, the freest of these democracies would wear the appearance of a narrow oligarchy, dominating over a population of serfs. The exclusive

spirit of the republican of ancient Rome is displayed in the contempt with which Tacitus alludes to the occasional preponderance of the Libertine element amongst the Germans under kingly rule; yet in the possibility of a slave emerging from the condition in which he was born, and rising to rank and power in the State, may be traced the germs of the more liberal system of modern times, under which eminence is attainable by talent, irrespective of the privileges of birth—an impossibility under the system to which Tacitus gave the preference, or under any system in which the *Mæg-borh*, or tie of blood, was paramount. Feudalism is represented, by a certain class of writers, as a system of oppression devised for the benefit of a dominant class alone, and imposed by force of arms upon a population in a state of comparative freedom—a system through which the owners and occupiers of the soil were reduced to a state of servitude, and burdened with exactions extorted for the advantage of their oppressors. Yet early feudalism, or the system of military tenure under which the grant of land was the *feo*, or reward of service, instead of the *æthel*, or privilege attached to birth alone, was the only species of free-service compatible with the rude age in which it first arose; and by the admission of the principle of free-service, and its gradual development and extension, the condition of the poorer and unprivileged classes was, in course of time, materially alleviated. The first free-burgher, in northern and western Europe, was a soldier introduced from the rural districts; and after the introduction of the principle of free-service from the country into the city, the occupations of civic life began to be followed by a class of freemen. The nearer we approach to the reality of the distant past in which the early system of military tenure arose, the less does that reality wear the favourable appearance in which it is sometimes clothed; for the obligations that so long remained attached to base tenure, relics, and remnants of a condition of absolute slavery, were in existence long before the introduction of feudalism. "If any one steals, kills, or sells a farm-bailiff, house-steward, or messenger, an artisan working in gold, in iron, or in wood, a vine-dresser, miller, swineherd, or any household servant, if they are worth 25 solidi, the fine shall be 70 solidi, in addition to the value of the chattel." Such is the tenor of an enactment in the older Salic Law, in which may be seen the ordinary condition of the population not included amongst the privileged *Ingenui* of the allodial system. As many of the classes, enumerated above as "chattels," were omitted in the revision of the earlier code set on foot by Charlemagne, some advance would appear to have been made in the direction of freedom

even at that early period. The helpless and hopeless serfdom of the subject population, during the allodial period, has generally been passed over without notice; whilst the very struggles of these unprivileged classes, as they won their way towards freedom, under a system founded upon the principle of free-service, have drawn our attention to their sufferings.

Nature appears to have implanted an instinct in animals in a wild state, if they are not animals of prey, to group themselves together as if for protection, and to appropriate certain feeding-grounds for their support. They unite to resent intrusion upon their feeding-grounds, and if the flock grows too numerous for the ground, offshoots separate themselves from the main body in search of other pastures, or else civil war breaks out between the members of the herd. A similar instinct seems to have been implanted in man, who, from the earliest times, will be found to have always been a unit in some community, however minute; for man by himself would have been an outcast, or an animal of prey, and would have been hunted down by his fellows, and either killed if he offered resistance, or made a slave if he chose to submit. It is only in a state of society that is civilized enough to recognise the separate, individual, rights of each unit of which it is composed, that man, as an individual, is secure. Before this time arrived, he was safe only in his family, in his neighbourhood, and in the joint association of families and neighbourhoods constituting a lesser or greater community. They alone would have supported him in life, and revenged him if wronged or slain; and a man without some such support in such an age, a man who was not a member of some sort of community, however small, would have been obliged to seek support elsewhere, and obtain it by exchanging independence for dependence, or the condition of a freeman for that of a slave.

The early community might be pastoral or agricultural, rural or civic; for a community enclosed within walls might follow a pastoral or an agricultural life, and was not necessarily commercial until a comparatively later period. In its rudest form, however, the community was made up of hunters, living upon everything they could find in the forest, or on the plain, in the river, or in the sea, and enjoying a state of social equality, and a community of property, in perfection. The actual property of the hunter, indeed, was limited to the skins in which he was clad, to which perhaps may be added the weapons and instruments he used in the chase; a slave would have only been an extra mouth to provide for, as he had no domestic animals to tend, and his crops, if he

raised any, were sown and reaped by his women, or the feeble and aged members of his family. Accordingly, he had no object to gain in sparing his enemy, and he killed him, as he killed every other animal that came in his way, and occasionally ate him. Races that remain for a lengthened period in such a stage of society recede before the approach of civilisation, and die out, or disappear in some manner, when brought into closer contact with it; but as long as they continue to exist, they present the nearest approach to a state of perfect social equality, combined with community of property; and if ever a civilized people were to succeed in retrograding into a similar condition, a similar fate would await them—in some way or other they would be broken up and disappear. No mere hunting community ever arrived at civilisation.

Nomads, if not a mere collection of hunters, necessarily follow a pastoral mode of life, but a pastoral community is not necessarily nomadic. The corn-growing herdsman occupies an intermediate position between the ever-wandering nomad, and the stationary tiller of the ground, who is always more or less attached to the soil he cultivates. Flocks and herds constituted the earliest source of wealth, and out of wealth arose the earliest distinction between man and man, the inequality between rich and poor. The rich man required attendants for his flocks and herds, the poor man needed protection and support, and in return for it became a dependant, or unfree; for the earlier stages of society knew of no other distinction than that between the free and the unfree. The unfree member of a pastoral community, however, was a dependant rather than a serf; for the herdsman had only to fix a sharp point upon the end of his goad, or staff, and he became a spearman, a warrior, and a marauder, the protector of his charge against the attacks of others, and the willing follower of his patron in many a predatory foray. It was otherwise with the unfree member of an agricultural community, for actual tillage, or manual labour, undertaken for the support of others, is always more or less a work of necessity or compulsion, and the word applied to Cain, as "tiller of the soil," is used elsewhere in the Old Testament for a slave. Fix an Arab tribe upon the soil as cultivators, and all but the leading members must exchange the condition of *Bedaween* for that of *Fellaheen*—a class they despise and detest—and must give up a free and wandering existence for a life of toil. Corn, when it is grown in quantities, and the vineyards, olive-grounds, and orchards of a settled agricultural community, require a cultivating class of producers, and a fighting class to protect the produce; for though the herdsman is naturally a man of war, ever ready for a foray, the culti-

vator of the soil never becomes a soldier until he is taken from it and transformed into the still more efficient fighting-machine, the soldier by profession. Hence in the contempt and detestation of the Bedaween for the Fellaheen may be seen a reflection of the antipathy of the Nomad, in early days, against the settled cultivator of the soil. "Neither shall ye build house, nor sow corn, nor plant vineyard, nor have any, but all your days ye shall dwell in tents;" and by following out these directions the Rechabites preserved their liberty, in the neighbourhood of a comparatively settled race, from the days in which their ancestors pitched their tents in the wilderness south of Judah; just as the ancestors of the Israelites lost their freedom by forsaking a wandering and pastoral life to settle in the fertile land of Goshen amongst the Egyptians. One of the laws of the ancient Nabatæan confederacy made it a capital crime to sow corn, to build a house, or plant a tree, as it was for such things that men were wont to sacrifice their liberty; and, accordingly, the inroads of the Nomads have ever brought desolation and destruction in their track,—for it was a fixed and settled principle in the Nomad to reduce the country he invaded to the condition of a waste and open pasturage. In short, he looked upon such a course as a religious duty.

The Nomad, on the other hand, was as much an object of dread and detestation to the member of a settled society; the shepherd was an abomination to the Egyptian; and this antagonism is clearly traceable in some of the most ancient systems of religion in the old world. Agriculture was inculcated as a sacred duty upon the follower of Zoroaster, and he was taught that it was incumbent upon all who worshipped Ahuramasda to lead a settled life. Between the agriculturist and the herdsman, Ahurasmada had selected the pious cultivator of the soil, who was to be blessed with riches, in which all who refused to till the ground, and persisted in worshipping evil spirits, were to have no share. Ahuramasda created the *gaethas*, or enclosed and cultivated properties, which he fenced around with stakes or palisades, and assigned to his worshippers as their own—as private property. Everything that the Nomad was enjoined to avoid was thus inculcated, as a religious duty, upon the followers of Zoroaster, and accordingly three distinct and separate classes were developed by the latter system, represented by the *Quetus*, or owner; the *Airyama*, friend, associate, or *comes* (in the later Gathas he appears as the *client*); and the *Verezena*, bondman, or actual worker, the servile cultivator of the soil, who was to be consoled for a life of toil by the reflection that he was performing a religious duty, and

offering in his labour acceptable worship to Ahuramasda—*qui laborat, orat.* The regular gradations of a fixed and settled state of society are distinguishable in the Zend-Avesta. The family, the village, the larger community, or *civitas* (rendered town, or tribe, by Mr. Haag), and the country or province, each under the rule of its respective head, and over all "Zarathustra,"—the Magi, or priestly order, who, in one particular province, that of Ragha, stood in the position of "heads of the country," or, in other words, they were the owners of the soil. The principles of Zoroaster, and of similar teachers, led to the federation of settled tribes, out of which arose the mighty empires of antiquity. The "fenced city," so often met with in the earlier portions of the Old Testament, in which the "suburbs" represent the "banlieue," or tract of land over which "the city" more immediately exercised jurisdiction, lay at the base of all the ancient systems of settled polity; and the influence exercised by the dwellers in the fenced city over the population of the *Demes*—the "villages" of the Zend-Avesta—must be familiar to every student of classical antiquity.[1]

The Hunting, the Pastoral, the Agricultural—such then may be said, in a general way, to have been the different phases of the early community, the first presenting the nearest approach to that purely animal state of existence in which liberty and equality are combined with community of property, each brute obtaining as much as he can eat of Nature's gifts. As soon as Nature fails the brute starves, and man, to avoid starvation, is obliged to work; but as soon as the intelligent member of a community begins to work, the acquisition of private property, and the consequent foundation of the principle of wealth and inequality, cannot be prevented, except by compulsion, and with compulsion a state of perfect liberty ceases to exist. Inequality, founded upon the principle of private property and its accumulation, was first developed in the Pastoral Community, in which flocks and herds constituted the main—and in a purely nomadic society the sole—source of wealth, and the pasturage was the common property of all. The sole bond of union in such a state of society is the tie of kindred, as it still exists amongst the Arabs, with whom the "ransom of blood" falls upon all within the sixth degree of relationship. The tie of neighbourhood is unknown until the community begins to lead a settled life. The tribes of Koordistan, for instance, are formed of a principal family, that of the chief, and of a series of other families, more or less closely connected with it, each separate family constituting a *hampa*, or tent;

[1] Haag's *Essays on the Sacred Language, etc., of the Parsees* (Bombay, 1862).

but it matters not where the tent is pitched, for the bond of union between the families, out of which springs the privilege of sharing in the rights of the community, is in the blood and not in the local position. But as soon as the soil began to be regularly tilled and planted the settled cultivator was required, who dwelt, whether free or servile, within a certain limited area, whether open or enclosed within walls. The inhabitants of such an area constituted a permanently settled community, under whatever name it may have been known, and the area itself was "a neighbourhood," its obligations being more or less incumbent upon all the members of the community within its limits, without any reference to their consanguinity. Thus, out of the fixed and settled life of the agricultural community arose the tie of "the neighbourhood," in which lay the germ of "nationality;" and to the same source may be traced the principle of private property in land. Strange as it may appear at the present time, the principle in question is first observable—at least in Western Europe—amongst a class that was distinct from and inferior to the representatives of the original free community. It would appear to have first arisen out of the development of a class connected with the land, free, but unprivileged; and to each of the members of such a class, certain rights within a fixed and settled district were at first assigned, which may be described as a limited right of occupation, and which, in course of time, often took the shape of a fixed amount of land, with which all further claims upon the community ceased at once and for ever. A general right of occupation in the land that was not thus set apart long continued to be the exclusive privilege of the representatives of the original community—who were not necessarily their actual descendants,—until, as time passed on, this vague and general privilege was replaced, in their case also, by the grant of land to be permanently held as private property with ownership.

The Roman aristocracy, representatives, and in some cases descendants, of the original community claiming to be the sole Populus Romanus, long continued to remain in the position of a class of occupying landholders rather than of proprietary landowners; a remark that may be extended to the Plebeian of early days, as long as he continued to hold the position of a landholder. Two classes only can be distinguished in the Twelve Tables—Adsidui and Proletarii, the landholders and the landless,—and as fines were then estimated in cattle and sheep, *pecora* passing for *pecunia*, the Roman Adsiduus, though belonging to a civic community, would appear to have followed a pastoral rather than an agricultural mode of life. Of the *Villa*, or landed estate of a later age,

whether rustic or urban, he was as yet ignorant, and a *tugurium* and *hortus*, or a small house built upon a little plot of ground that was used for garden land, vineyard, or orchard, constituted his *Hæredium*, the sole property in land that he held with ownership. But as his wealth consisted in the cattle and sheep with which he paid his mulcts when they were levied on him, he must have required land for the support of his live stock; and, accordingly, a right of occupying the common pasturage, or of depasturing his animals upon it, must have been attached to the Hæredium of every Adsiduus. Land may be said to have been at this time divided into sacred, public, and tribe land, for it would be difficult to point out the existence of any other; and after the system of colonization came into use, the portion of land made over to a colony was cut off, as it were, and separated from the public land of the ruling community, and the ownership was centred in the offshoot or colony, which has been described as a miniature Rome. The ownership of sacred land was vested in a deity, whose officiating ministers enjoyed the privilege of occupying it, but without proprietary right. Public land was conquered land, and its ownership was vested in the State, the privilege of occupying it, without proprietary right, being confined to the privileged members of the community. In the infancy of the Roman Commonwealth the whole of the land in the immediate neighbourhood of the city was probably tribe-land, held in joint-occupation by the Populus Romanus of early times; but as the Commonwealth enlarged its boundaries, conquering or incorporating a number of the neighbouring communities, a certain portion of the land thus acquired was set apart for the new but unprivileged citizens added to the Commonwealth, or for Roman Proletarii, who were, in this manner, converted into Adsidui, the remainder lapsing to the State as public land. Within the portion thus set apart as tribe-land, of which the ownership would have been vested in the tribe (just as the ownership of the land made over to a colony was vested in the colonial community), the plebeian Adsiduus would appear to have enjoyed a limited right of occupation, or of depasturing his stock within a limited area; a privilege resembling that of the Colonus of the same period, and very similar in its character to the unlimited right of occupying the public land originally belonging to the Patricians. But it was a privilege of occupation and not a right of ownership; "in horto, hæredium,"—the proprietary right was limited to the little plot of garden-ground on which the house was built, resembling the "toft and croft" of the mediæval period. There is not a trace of any fixed and measured portion of land, resembling the hide, having been attached to

the Hæredium, to pass, with the *hortus*, to the heir. The Hæredium carried with it a privilege of occupation, and of pastoral rather than agricultural occupation. Tillage-farmers were not planted upon the public land before the Revolution of the Gracchi, and the tribe-land, in early days, was probably only a reflection on a lesser scale of the public land, and, like the colony, governed by similar custom. The plebeian Adsiduus was a stock-farmer on a small scale, or a corn-growing herdsman, rather than a small tillage-farmer, who would have had no market for his corn. His wealth consisted in his stock, and not in his corn, of which he would have only raised enough for his own immediate consumption, as he had no "overlord" to supply; and accordingly most of the larger land-measurements, and standards of capacity, used in a later age, were borrowed by the Romans from corn-growing Campania.

The privilege of occupation was restricted within certain limits by the regulations of Licinius, but public land continued to be inalienable from the State until a much later period; and it is difficult to understand how private property in land could have been acquired with absolute ownership, during the continuance of this restriction, except by purchasing Hæredia. The right of occupation within a limited area, that was attached to every Hæredium, would have passed with the land when sold; and, by buying up a whole area, a property with absolute (Quiritarian) ownership would have been acquired in the district, for every right and privilege once belonging to the little group of plebeian Adsidui—"the neighbourhood,"—would have been centred in the purchaser. So in England, during the mediæval period, if the joint rights of the occupiers of a vill or township were centred in one owner, he could do what he liked with the land, and it would have exchanged the character of common-land held in joint occupation by a little community, for that of a landed estate held in absolute ownership by a single proprietor. It may have been for some such a cause that the lesser plebeian Adsidui had all but disappeared from the tribe-lands in the time of Tiberius Gracchus, and at the date of his reforms the privileged families seem to have almost succeeded in establishing a title to ownership in the public land from lengthened occupation. In consequence of the revolution brought about at that period, and the changes subsequently introduced, the system of farming the revenues of the State superseded the earlier custom of actual occupation, and the public land was planted with small tillage-farmers, the agricultural *Coloni*, who became the types and precursors of the rural *fiscalini* of a later period, and of the Geneats, Bauers, or Husbandmen of

the middle ages. Thus the Italian yeoman, the lesser Adsiduus who fought in the ranks of the early Legion and occupied the tribe-land with allodial right, was replaced by the Italian husbandman, who was planted on the public land as the cultivator employed by the State, and was usually a *Vectigalian*, or customary tenant; for *vectigal* originally answered to the old English word *feorm*, or rent paid in kind, until it was more or less commuted for rent paid in money. The Roman magnate, no longer an occupant of the public land which he left to the Coloni, dwelt upon his urban villa or private property cultivated by slave labour, and often acted as a middleman between the State and the tenantry of the State, becoming answerable to the former for the fixed amount of rent imposed upon the Coloni, and extracting from the latter all that he could exact in addition. The public land ceased from about this period to be inalienable, but as the power of the Censors over it seems to have been limited to the *Locatio* (to letting it), land that was alienated and sold would appear to have been known for a certain time as Ager Quæstorius—as if a sale by the officials of the Senate, and thus made under the authority of the Senate, was requisite to give a secure and satisfactory title to the purchaser. All such distinctions, however, vanished after every right and privilege was centred in the sole representative of the State, the Emperor. Thus in course of time, and during the lapse of many generations, the members of the Roman aristocracy gradually exchanged the somewhat unsettled character of a privileged occupying class, in which many of the features incidental to the early pastoral community are traceable, for that of a class of fixed and stationary landowners, and an intermediate class grew up in connexion with the public land, or the property once occupied in common by the members or representatives of the early community. The servant of the State was superior to the servant of an individual member of the State, for the cultivator upon a private property was a slave, whilst the cultivator on the public land was a freeman, though unprivileged,—originally a customary tenant-at-will, or with a lease, until the principle of *Emphyteusis* was acknowledged, and lengthened occupation was allowed to give him a right of hereditary tenancy in the land he cultivated, from which he was irremoveable as long as he acquitted himself of the obligations of his tenure.[1]

In the description of the Germans left by Tacitus, the germs of many of the institutions existing in a much later stage of society seem to be more or less traceable. Two classes alone can be distinguished in con-

[1] The authorities for the deductions I have drawn will be found further on, under the head of "Rome."

nexion with the land, as in most early societies of a similar character, —the absolutely free and the unfree. Ignorant of the advantages to be derived from orchard, garden-land, or vineyard, and even of the separate meadow, close, or *gærs-tun*, in which were kept in after times the oxen used in agriculture, the German freeman followed a pastoral life, and was essentially a corn-growing herdsman, delighting in the numbers of his cattle, his sole and favourite source of wealth—"solæ et gratissimæ opes." Restless alike and indolent, when not engaged in war or hunting, he passed his time in idleness, and in after times, accordingly, the Lindisfarne Glossarist explains the Paradise of Scripture as "a place in which no labour is enforced." Field-work, when he had no slaves, he left to the women of his family, or to the members incapacitated by age or infirmity from serving in war. The tie of kindred was alone acknowledged by the members of the community, for the "Hundred" warriors contributed from every Pagus were ranged by families and kins, and not by chance or arbitrary selection—"nec fortuita conglobatio . . . sed familiæ et propinquitates." The bond of neighbourhood was as yet comparatively unknown, for the freemen dwelt apart from each other, "ut fons, ut campus, ut nemus placuit," and were not collected into villages. Each had his separate house, with an open space around it, which he had not yet learned to utilize—"suam quisque domum spatio circumdat,"—just as in later days the freeholder dwelt upon his own "hedged off" property, and apart from the Geneats, or customary tenants of the village. No tax was levied on the freemen, but it was usual for every member of a community to offer, of his own accord ("ultro et viritim"), a gift of cattle and corn to his *Princeps*,—his ealdor, or his cyning,—and the custom seems to have been perpetuated in the "night's feorm" long attached to frank-tenure, and in the feudal aid of a somewhat later period. As the freeman's household was strictly limited to his own family, he had no employment for domestic servants; and, accordingly, every member of the unfree class dwelt in his own home, reminding Tacitus of the Roman husbandman (colonus), and supplying the corn, cattle, and clothing his lord required from him,—the *Hlaford-feorm*, or Refection, of later days,—thus being the representative of a servile agricultural class, solely employed in cultivating the soil. The land belonging to the community, or confederacy, resembled the Ager Occupatorius of early Rome in certain points; for it was not held in private ownership, but possessed in common by the privileged free class, though not assigned among them in equal portions; and its extent was so great that the whole of it was never occupied at the same time. The

Pagus, in other words, covered so wide a surface, that the *Pagenses* only occupied a portion of it, or as much as was required, apparently, for raising corn for their immediate consumption, leaving the remainder waste as pasturage for the support of their sole and favourite source of wealth, their numerous flocks and herds. The arable was changed from year to year,—"arva per annos mutant, et superest ager;"—for with abundance of space there was not the same necessity for the rotation of crop and fallow, and the field or ploughland set apart permanently for raising corn, as in the more settled system of husbandry, followed at a later period. A very similar rude system of cultivation seems to have subsequently prevailed in every part of England, in which land was held by the tenure of Cornage, or by the payment of rent in cattle, and where the *Gafol-pening* was not levied upon the fixed and measured portion of arable land. The vestiges of such a system, indeed, were long traceable in some of the western districts, in which the "common field" of arable was unknown, and a separate portion of pasturage was set apart to be ploughed up every two years. The German stored away his corn in a pit or cave dug in the ground, and plastered over with a rude cement, and he often sought refuge in his underground storehouse from the severity of the cold, and occasionally from the pursuit of his foe. His secret hiding-place was the only "fenced city" with which he was acquainted, and he would not have appreciated the use of a permanent building like a barn, which would have at once pointed out to his enemy the place in which he was accustomed to store up his corn.[1]

As soon as the land in the immediate neighbourhood, or within easy distance, of the temporary settlement was exhausted for the time by tillage, it seems to have been abandoned to resume its original character of pasturage, a different portion of the Pagus was similarly settled, and thus, after the lapse of a few years, the whole of it would be occupied "per vices," or in turns. "Without land, or home, or care of any sort, wherever they come, there they find their maintenance,"—such is the description of the Chatti left by Tacitus; and the unsettled character of the German occupation of the land, their partiality to flocks and herds, and the little attention they paid to agriculture, the rude and fragile structure of their dwellings, and their custom of moving about with their families in carts, may have induced Strabo to compare them with the Nomads. Centuries passed away before "the house" was large enough to receive a number of *comites*, or contain the stores necessary for their support, and the magnate, accordingly, long continued to migrate

[1] Tac. *Germ.* 5, 8, 14, 15, 16, 25, 26.

amongst his *vills* in a similar semi-nomadic manner, remaining a certain number of nights in each of them, and receiving *feorm*, or refection, until the means of supporting him and his followers were temporarily exhausted. The extent of land required for the German settlement was calculated "pro numero *cultorum*," or in proportion to the number of the actual tillers of the soil, comprising the whole of the unfree cultivating class, with the women, the aged, and the feeble amongst the poorer freemen; and out of such a custom may have arisen the measurement to which Beda gives the Latin name of "terra familiæ," or the amount of land allotted to the support of a family. As soon as the requisite number of "terræ familiæ" was ascertained, the extent of land required was occupied "ab universis," or by the whole community alike, both free and unfree, and divided "*inter se*, secundum dignationem," or amongst *the freemen*, according to their position. "Epulæ . . . pro stipendio," and the wealthy Princeps, who supported a numerous *comitatus*, must have necessarily required a larger amount of arable land for his servile cultivators, and of pasturage for his live stock, than the family of the lesser freeman, which was supported by the labour of its own members. The whole extent of country over which the community or confederacy could exercise a right of occupation, seems to have been often known in early days as the *Æthel*; for when "Farre the priest" wrote his glosses on the Gospels, he could only render "patria sua" by "*æthel his*." The Fatherland in those days was literally the father's land, and nationality, or rather the feeling out of which it subsequently arose, was limited to the kindred and the district until a much later period than is generally supposed. Hence every member of the free community was an Ætheling, Adaling, or Odaller; but his allodial right, like that of the early Roman Adsiduus, was originally a privilege of occupation rather than an ownership in any portion of the land. The Folcland was the æthel of the English king; his right of occupying it, and of letting it out in *læns*, was undisputed and without a limit; but for a permanent appropriation, or an alienation in perpetuity of any part of it, a *Boc* or charter was necessary, requiring the consent of the leading members of the community. The children of the free member of the community, or his next of kin, were the heirs of his personality in the time of Tacitus,—"et nullum testamentum,"—for no will was required when everything passed by the custom that grew, in course of time, to be known as "Land-right."[1]

[1] Tac. *Germ.* 20, 26, 31; Strabo, L. 7, p. 446 (ed. Amsterdam, 1707). To me it appears extremely difficult, if not impossible, to reconcile the descriptions left by Tacitus

But, even in the days of Tacitus, the German often exchanged the position of an Adaling for that of a Comes (Gasind or Gesith), and thus became a member of a Comitatus, or Gasindschaft; and the representatives of this class were known in after times, amongst the Angles, as Gesithcundmen instead of Æthelings, for the application of the latter name was restricted to the families in whom the ownership of the land was supposed to be vested. The Gasindschaft was essentially military, and was supported by the wealthy Adaling whom its members followed, who must, accordingly, have been the possessor of a numerous body of servile cultivators, to supply the *epulæ* that stood in the place of *stipendium*; and thus arose, in course of time, the two distinct and separate classes that subsequently characterized the Gasindschaft, the one essentially military and always free, the other originally servile, precursors respectively of the *Ritterschaft* and *Bauerschaft* of a later age. The fighting man, in return for his military service, had a right to his *Epulæ* or pay, which in course of time assumed the shape of a læn or benefice of land; the cultivator, in return for his agricultural service, was entitled to his "Sedes et Penates," which, in a more settled stage of society, took the form of a house, with the privilege of sharing in the common-land of the district or neighbourhood, with the customary obligations entailed upon such a holding. After the servile cultivator was enfranchised, or replaced by a freeman, an intermediate class grew up in connexion with the land, free within the limits of the district within which they enjoyed the privilege of joint-occupation, and irremoveable from it, but bound by the customary obligations of the original servile tenure. They were free of the neighbourhood, but not free of the realm, and must not be confounded (as they are occasionally) with the representatives of the full-free Adalings. The original right of occupying the extent of common-land belonging to the community, upon which the military and cultivating classes of the Gasindschaft were temporarily settled, was vested solely in the Adaling and his kindred, and the leading member amongst his descendants would have been known as the head of the lineage, the *Cyning* or king. Hence the right of ownership in the land, and the duty of distributing it in fixed but unequal portions, according to the number of families to be supported, a privilege and an obligation which the principle of the community vested in its impalpable self, the principle of the Gasindschaft centred in its supreme head; but every free

and Strabo of the Germans, with the theory representing them as an agricultural, and therefore necessarily a settled, race, living in village communities from time immemorial.

member of it was as much entitled to his share, according to his position, as was the Adaling or free member of the community. It was not altogether a "legal fiction," therefore, to vest the original ownership of the soil in the sovereign, when the kingdom had been founded upon and grown out of a Gasindschaft. The "fiction" consisted in confounding the principle of the Teutonic Gasindschaft, which was simply a free community, with a palpable instead of an impalpable supreme head, with the principle of imperial Rome, "quod principi placet, legis habet vigorem;" thus ignoring the obligations entailed upon the Teutonic king, and gradually converting him into an absolute and despotic monarch. Some of the greater German confederacies would appear to have been often made up of Communities and Gasindschafts, the leaders of the latter appearing in a double character as it were,—Principes (Fürsten) and Ealdors in their relation towards the Adalings of the community, Kings in their relation towards their own Gasindschaft.[1]

In the case of one of the greatest of these confederacies, the Saxon, it may be vaguely gathered from Beda that, in his time, they were under the rule of Ealdermen, one of whom was chosen in time of war to command, as a *Heretoga;* relinquishing his supreme authority at the close of the war, and returning to his original position of equality with the other Ealdermen. After the dissolution of the Saxon Confederacy—the *Sax-Note* that was to be abjured by every Christian convert together with Thor and Woden—and the incorporation of its members into the kingdom of the Franks, only two classes can be clearly distinguished in the *Lex Saxonum,* the Nobiles and Liti, or Adalings and Læts (Lassen), the free members of the community and the unfree cultivators with whom Tacitus was familiar, the former reckoned at twelve times the valuation of the latter, or in the old proportion once existing in England between the Twelfhyndman and the Wealh. The Liber, or Friling, can only be

[1] The principle, extracted from Justinian's *Institutes,* "quod principi placet legis habet vigorem," is only hinted at in the Prologue to Glanville, but Thornton, Bracton, and Fleta incorporate it in the body of their works, adopting it, and trying to explain it away in a very singular manner. It was popular with several of the English kings, according to Fortescue, who ascribes much of the misery of France in his time to the prevalence of a Code by which a noble might be tried for his life at the will of the King, put in a sack by the Provost-Marshal, and drowned without power of appealing to "the judgment of his peers." After the destruction of the English Baronage in the Wars of the Roses, Prerogative, under its Roman not its Feudal form, flourished under the Tudors and the Stuarts; but no clear conception can be formed of the real character of Feudalism, or the system of military tenure and free-service, without keeping in view the difference between the two species of Prerogative. Those who are curious on the subject will find, by comparing the *Sachsenspiegel* with the old *Liber de Beneficiis,* that Land-recht and Lehen-recht were, in the most essential points, identical.

recognised in the "Liber homo sub tutela nobilis," or under the patronage of a superior, the *Hlaford-socn* of the island Saxons.[1] If driven from the country, he might offer his land to his next of kin, and, if the latter declined to purchase it, to his *Tutor* (patron), or to the superior placed over him by the king; and if his lord refused the land, he might sell it to any purchaser. Thus he was a landholder, but an irremoveable and hereditary tenant of his land, rather than a proprietor; for the ownership was clearly vested in his lord, or in the king who appointed a superior over him, his next of kin enjoying the right of succeeding to the hereditary tenancy, with the privilege of pre-emption if the land was to be sold. His valuation, however, is never alluded to in the Code of Saxon laws, which only treats of the obligations and privileges of the Adalings—for the Læts were in a certain sense their property or "chattels"—and the Friling, as a free dependant under the protection of a superior, had no pretensions to belong to the community of which his superior was a member. His position in some respects resembled that of the free Roman client who was provided for by his patron, and served in the Legion, in the early days in which the Patricians constituted the sole Populus Romanus; for the Saxon Friling was probably the *Cnecht*, or military follower of his lord, though not after the fashion of the later feudal times; and he may be recognised, apparently, in the opening years of the tenth century, when Henry the Fowler laid the foundation of the Burgher class, by collecting the *milites agrarii* into walled towns.[2] The Miles agrarius of Old Saxony seems to have been the equivalent of the *Haistaldus* amongst the Franks, who was occasionally moved into a walled town in a similar manner, but at rather an earlier period. The Haistaldus was evidently a *Hager-staller*, the occupant of a "hedged off," or separate property, and apparently the forerunner of the Saxon *Hägerman* of later days, living by Häger-recht, and not included amongst the ordinary Bauers of the Dorf, or liable to their customary obligations. The Hägerman was an *Erbzinsman*, or hereditary tenant-at-rent, irremoveable as long as he fulfilled the obligations of his hereditary tenancy, which he could part with in the same manner as the Friling of the *Lex Saxonum*, and under very similar conditions. In short, with due allowance for the different era in which he lived, the Saxon Hägerman appears to have been the true representative of the Friling.

Another glimpse of the state of Saxony, in an era some three centuries later than the reign of Henry the Fowler, is obtained in the Sachsenspiegel, in which the Adalings are clearly traceable in the "Fürsten

[1] *Lex. Sax.* xvi. [2] Widukind, i. 35.

Freyherren, and Schöppenbar Frey-leute," who continued to be nominally assessed at the old wergild of 1440 solidi, reckoned as 18 lbs., and at the old manbote of 120 solidi, or 30 shillings, the *Ruoda* of the *Lex Saxonum*. Before this time a number of the more important members of the class had evidently been enrolled in the ranks of the feudal nobility, and their manbote was "reckoned in gold"—the mark of the noble by service. They had exchanged the position of Leudes, or members of a Community, for that of Antrustions, and thus become members of a Gasindschaft of which the supreme head was the Kaisar; whilst the remainder, the Schöppenbar Frey-leute, represented the free community of the *Reich*, or realm, as *judices regis* supplying the jury in the highest courts held "under the king's ban," in which the *wite* was "the king's wite" of sixty shillings, and alone entitled to act as hereditary judges. "No man can have a *Gericht* as a *lehen* except a Schöppenbar freeman, who does fealty with freeman's right to the king." The Bauermeister, who could only punish "in hair and hide," was chosen from a totally different class, and could take no notice of offences committed in the night, which could only be dealt with by the *Belehente Gograf*, who was enfeoffed by the Graf. Halsgericht, or jurisdiction in cases of life and death, involving all thefts of property worth more than three shillings, belonged to the Schöppenbar freemen alone. Such was the sole service (Dienst) by which they held their lands, and the leading members of the class were known as Reichs-Schöppen, inheriting and bequeathing their Schöppenstuhl, or hereditary court, to the eldest son or nearest heir-male, and in heathen times they would probably have been known amongst the Northmen as *Godrs*. If the Schöppenbar freemen died out in a district the Kaisar alone could replace them, in order that the court "under the king's ban" might be held; but no one but a Reich's Dienstman (king's-thegn) could be converted into a Schöppenbar-freeman, and he was to be provided with property enough to sustain his position, either vacant *Schöppen-eigen*, or *Reich's-gute*—land that was not liable to the obligations of base-tenure.[1]

Next in order to the Schöppenbar freemen were the Bauergülden, the Pfleghaftige-leute, and all who were bound to attend the court of the Schuldheiss, in which the wite paid by the Bauergülden was eight shillings; or the whole of the landholding class of inferior standing, who, with the free Landsessen, or freemen without property in land, were reckoned at half the valuation of the representatives of the Adalings. The Bauergülden appear to have been superior to the Pfleghaftige-

[1] *Sachsenspiegel*, Bk. i. A. 5, 8, 59; Bk. ii. A. 13; Bk. iii. A. 26, 45, 54, 81.

leute, as a considerable amount of landed property must have occasionally been in the possession of members of this class; for if one of them died without heirs, his inheritance, if amounting to less than three hufen, lapsed to the Schuldheissdom, if to less than thirty to the Grafschaft, and if to more it fell to the Reich. They were *Zinsmen*, or only liable to rent without customary service, and the proprietor of an *erbzinsgut*, or hereditary property held by payment of rent, had a right to quarry, sink pits, fell timber, and clear land, within the limits of his property without demanding leave from his superior, privileges not belonging to the tenant of an ordinary zinsgut. Thus, though the ownership of the land they held was vested in the Kaisar, or in their immediate overlord, they were irremoveable as long as they performed the obligations of their tenure, which, as in the case of Burgess-tenure, was neither gentle, nor base, but free—the tenure neither of the Adaling nor of the Læt, but of the Friling; and the Bauergülden of the Sachsenspiegel were evidently the true representatives of the Frilings of the *Lex Saxonum*, and members of the same class as the Milites Agrarii removed by Henry the Fowler into walled towns, and the Hägermen who were only liable to the jurisdiction of their own Häger-gerichter. The Pfleghaftige-leute seem to have been originally Frilings planted on land held by base tenure, free representatives of the Læts, or servile cultivators of an earlier period, irremoveable from the land they cultivated, but bound by the obligations of customary tenure. Like the early English Geneats, or sharers in the vill, they held the common-land of the Dorf in hereditary joint-occupation, representing the village community, or *villani*, of the age, and their rights were at this time strictly protected. "He who ploughs, digs up, or encloses the common arable of his Bauers, on complaint of the Bauermeister shall pay three shillings, and if he carries his cause to the higher courts and fails, he shall pay thirty shillings, and make reparation for the damage done to the common arable, with *bote*." A similar reparation was demanded from a Dorfschaft, or village community, if guilty of a similar offence. The *Frohn-bote*, sometimes known as the Gericht's cnecht, and apparently the equivalent of the Summoner or Apparitor of the Welsh Laws, might be chosen by the Richter and Schoppen from this class, when his *manbote* was immediately doubled; but he was bound to be in the possession of at least three hufen, in order, apparently, to release him from the obligations entailed upon the ordinary member of a Dorfschaft, and to place him above the jurisdiction of the Bauermeister. Three hufen-lands represented the smallest amount of property entitling the holder to employ a herdsman of his own. The cattle

of the ordinary Bauer were under the charge of the "common herdsman," his arable land lay in the "common field," and his holding seems to have been generally limited to the Dorf-hufe of two hufen, or to the Haker-hufe of half that amount. The free Landsessen, "who come and go guestwise in the land, and have no landed property," were bound to attend in the Gograf's Court, in which the wite was a shilling; and of the rights of the Læts no mention is made, for they were probably entirely dependent on their lords, and it would be long before a village community of this description would be enfranchised from a condition of servitude. The actual labourers were a servile class, known as Day workers, the "Journeyman," whether in a town or in the rural districts, being still numbered amongst the unfree. His bote was a pitchfork and a pair of woollen gloves (the *mufflas* of King Henry's Laws) and his wergild a Bergful of wheat, so slight was the estimation in which he was held.[1]

Gentle tenure, Frank tenure, Base tenure—in general terms such may be said to have been the systems of land-tenure in the age in which the Sachsenspiegel was compiled, the holders in frank-tenure jealously resisting any attempt at converting them into base-tenants. A little before the era of the Sachsenspiegel, a number of Saxon emigrants settled in Transylvania, where their descendants are still existing as a distinct and separate people at the present day. They dwell in "Seats," or communities, each man possessing his own land as a small landed proprietor rather than as a mere cultivator of the soil or husbandman; and the union of all the Seats forms one political body, known as "the Saxon Nation." The land they occupy is called "the king's land," for they acknowledge no superior except "the King of Hungary," and his appointed deputy their Graf; some of their oldest Statutes providing against the settlement of any Hungarian lord within the limits of the

[1] *S.S.* Bk. i. A. 54; Bk. ii. A. 54; Bk. iii. A. 45, 64, 80, 86. In many parts of Westphalia, which may be looked upon as peculiarly the land in which the usages of Old Saxony may be supposed to linger, large detached farm-houses will be found in the place of villages. The occupiers have generally inherited their properties as eldest sons, and usually bequeath them to their eldest sons, providing in other ways for the rest of the family. They are only liable to the payment of an annual-rent, generally a tenth of the produce, and are apt to cling to the old custom of paying in kind. In every other respect they are owners of their properties, irremoveable fee-farmers as it were, representing apparently the Erbzinsmen of the Sachsenspiegel, the Frilings of Old Saxony, living apart like the Germans in the age of Tacitus, and ranking as a class above the ordinary Bauers of a Dorf, representatives of the Lætic community of early days. Similar large detached homesteads, unconnected with any village-community, will be found in Norway, passing in general to the eldest son, whilst the rest of the family is provided for as in Westphalia.

district originally occupied by, or made over to, the Saxon Nation. These Transylvanian Saxons probably present the nearest approach in the present time to the free community of the rural districts as it once existed in Germany, and as it was often in the course of the tenth century enclosed within walls, and converted into a free burgh—only acknowledging the authority of the sovereign and his deputy, whether Graf or Burgraf, and jealously tenacious of any attempt at intruding a feudal overlord within their boundaries; a proceeding that would have led eventually to the conversion of the Schöppenbar-freeman, free-Zinsman, or free-Burgher more or less into Pfleghaftige-leute. Out of an attempt of this description arose the original confederation of the Waldstatten, or Forest Cantons of Switzerland. The area of German-speaking Switzerland once formed part of Suabia, and was occupied by a population of the same description as will be found in the pages of the Sachsenspiegel, in which it is laid down that, except in *erbe* and *ortel*, Schwabische-recht and Sachsische-recht were identical. The members of the Waldstatten —who would have been indignant at the modern theory converting them into the mere boors, or peasants, with whom they refused to be confounded —claimed to belong to the free community of Suabia, owning no superior except "the German king," to whom they appealed, though in vain (for at this time he was a nonentity), when Albert of Austria, by placing "overlords" amongst them, sought to convert them into Pfleghaftige-leute in dependence on the House of Hapsburg. By becoming "Eidgenossen" the Swiss severed their connexion with Germany, for all who "swear together with oaths separate themselves from the Kaisar and the Reich, and offend against the Empire;" but they continued to retain the old Germanic constitution; for though the Graf disappeared with his master, every State in the early confederation was still reckoned as a Canton, or Hundred, in which the supreme magistrate was the Schuldheiss. In every settled district of old Germany within the Altmark, in which the king's ban was held—and Suabian Switzerland would once have answered to this description—the Graf would have been found, and the Schöppen, with the Schuldheiss, or his equivalent, the Zentgraf. In Franconia, and in the Rhenish Palatinate, the Schöppen and the Schuldheissdom seem to have been known as the Zent-schöppen and the Zentgrafschaft, the Schuldheiss was replaced by the Zentgraf, or Zent-richter, and his jurisdiction was called his Zentgericht, telling of the institution of the Zent, or Hundred, amongst the Eastern Franks. The Zentgraf would therefore have been found apparently amongst the Franks, but an Adaling could only be judged by his equal

by birth belonging to the same race, for it was an axiom of old Germanic law that "the Schöppenbar freeman can sit in judgment on any man, but in cases touching his life, his property, or his honour, none can sit in judgment on the Schöppenbar freeman except his equal by birth." Hence, after the Hundred was introduced, by the authority of the King of the Franks, into the dependencies of his kingdom, the Graf, who was probably in early times a Frank by birth, could not have sat in judgment upon Adalings of a different race; and accordingly, as "no Graf, holding a court under the king's ban, can hold it rightly without his Schuldheiss," and as "no man can be Schuldheiss unless he is free, and *born in the land* in which lies his Schuldheissdom and Gericht," in Saxony, Suabia, and Bavaria, the native-born, hereditary Schuldheiss seems to have stood in the place of the Zentgraf. The distinction, however, may have been gradually disappearing in the thirteenth century, for in the enumeration of "the lords of the Saxon-land" ten of the Reichs-Schöppen are credited with a Suabian descent. No allusion at all is made to them in the catalogue of the "lords of Thuringen," for the ruling community in that quarter, descendants or representatives of the "Angles and Werns." living by Salic Law, would have been classed amongst the Franks.[1]

Before the close of the century in which the Sachsenspiegel was compiled the last of the great imperial families of Germany disappeared for ever, and the various classes, whose separate existence depended upon the support they were accustomed to receive from a powerful German king, are lost sight of in the subsequent confusion. The Schöppen disappeared from the rural districts, and their very name is often supposed to have been confined to the magistrates of a free burgh, the *Echevins*, who were merely Schöppen removed from the rural districts into walled towns. Most of the imperial property was dissipated in the lavish grants of land with which rival claimants to the empire bought, or requited, the services of the greater German princes; and thus the classes, that had once acknowledged the superiority of the Head of the empire alone, passed under the jurisdiction of its feudal chiefs, and lived by Lehen-recht, whilst Land-recht was only retained behind the sheltering walls of the greater civic communities. The Sachsenspiegel, about the same time, and other similar compilations of German Land-recht, were placed under papal ban, in consequence of certain unwelcome truths they contained on the subject of papal supremacy in the matter of civil rights. But the recollection of the old German Land-recht, that had once been the "king's law" amongst

[1] *S.S.* Bk. i. A. 19, 59; Bk. ii. A. 1, 12; Bk. iii. A. 52, 61.

the free communities of the rural districts and the burghs, never died out entirely, and, in the fifteenth century, when Faust-recht, or the rule of lawlessness, was at its height, it was revived in the famous tribunal of the *Vehm*, in which the proceedings were necessarily secret, as they were held under the ban of the Church. "A Schöppenbar freeman may sit in judgment upon any man," and in the ranks of the feudal nobility, in the fifteenth century, would have been found the descendants and the representatives of the Reichs-schöppen of an earlier date, in whom the right of a Schöppen-stuhl, or of holding and judging in a court with Halsgericht, or jurisdiction over life and limb, would have been hereditary.[1] The citation to the tribunal of the Vehm was fixed upon the door or gateway, just as the Fröhn-bote used, in certain cases, to mark a cross upon a man's door with the judgment of the Richter and Schöppen. The accused was summoned by the *Bodes* of the Vehm to attend at "the king's Court," which was to be held by the Frei-graf, at the Frei-stuhl, of the district named in the citation; and the Court in which the Graf, the Schuldheiss, and the Schöppen judged in all criminal cases was held at the hereditary Schöppen-stuhl "under the king's ban." If a man neglected to attend such a court, after having been three times summoned, he was put to the ban in the fourth court without further ceremony; and the accused who omitted to answer before the Frei-graf of the Vehm, after the third citation, was condemned in his absence—hanging being the mode of punishing the criminal in either case when death was decreed. The tribunal of the Vehm met "on the red earth," or in the open air, and not within walls; it was held on a mound, or moot-hill, or under a tree, and the very word used in the Sachsenspiegel for assembling a court, or *Thing*—"gehagen," to hedge around, or encircle, in the sense of our English expression, "make a ring"—seems to point to a similar custom of meeting in the open air. It is still customary in the Cinque Ports to choose certain functionaries in an open field instead of in the town-hall, and Magna Charta was signed upon Runnymede, and not within walls or in a castle hall. Western Germany, and particularly Westphalia, was the seat of the Vehmic tribunals, for the law of old was different in the Mark and in the Gau, and the Reich's-schöppen would not have been found beyond the Altmark. The very name of Vehm, which, according to the best authority (Grimm), means "Punishment,"

[1] "Over the fourth hand in Heerschild from the king shall no Lehen descend, in which there is a Gericht over hals and hand, except only the Schuldheissdom in a county; for no Graf can hold a lawful court without the Schuldheiss."—*S.S.* Bk. iii. A. 52. Thus there was an especial provision for perpetuating the hereditary character of the judge who administered justice "under the king's ban."

seems to point to the revival of the obsolete jurisdiction of the old "courts under the king's ban" in criminal cases alone, for none others were ever brought before the tribunal of the Vehm.

The nearest approach in modern Europe to the subordinate agricultural community of Lætic, or servile, cultivators as it may have existed in various quarters under the dominant Adalings or Gesithcundmen, is traceable in Russia, where, before the recent abolition of serfdom, the organization of the land may be described substantially as follows. A certain portion, usually a third, of every manor, whether it was the property of the Crown or of a private landowner, was set apart as the demesne or *Inland* of the lord, the remainder, corresponding with the *Outland*, belonging to the village community. For centuries the will of the lord alone decided upon the portions thus set apart respectively for the demesne and for the community, which might be exchanged on the occasion of a re-allotment at his pleasure; the sole rule in force, at the abolition of serfdom, rendering it imperative that every peasant householder should receive at least four and a half Deçatines (or twelve statute acres) for the maintenance of his family. The Inland was entirely cultivated by the members of the community, whose service was at will; and though this service was usually given on three days in the week, and every day in harvest time, it might be demanded at any time when the lord required it, unless he chose to commute it for *obroc*—a money payment or rent. The community, in short, was entirely dependent on the lord, who was supposed, on the other hand, to be bound to take charge of its members in sickness or distress, like any other live-stock on his estate; but the various gradations between the full-free and the absolutely servile, which would have been found at a certain period in Western and Central Europe, might have been looked for in vain in Russia. The individual possessions of the member of a village community were limited to a house and garden, with his stock and other personal property, whilst all the rest of the Outland was held in common and in joint occupation, subject to re-allotment, usually every nine years, on which occasion every new household put in a claim to a share. The arable was divided, as seems to have been usually the case in all similar communities, into narrow strips of land, varying from three to six fathoms in breadth, and from a hundred to five hundred fathoms in length (or between a deçatine and a tenth of that amount), which were distributed by lot, so that no one necessarily, after a re-allotment, held the same portion as before. The possibility of acquiring an actual property in the land, arising out of lengthened occupation, would appear

to have been thus avoided. Woods, pastures, fisheries, and every other species of property in the Outland, were enjoyed in common; and wherever there was a superabundance of land, which was more particularly the case upon the property of the Crown, all beyond a certain definite amount lay fallow as reserve-land, and was occasionally let out on lease. The lord would thus appear, in addition to his *third* of the land in occupation, to have enjoyed the privilege of availing himself of all the land that was not required for the actual use of the village community dependent upon him; whilst the wealthier members of the community would have availed themselves of the same opportunity for increasing their personal property, by the employment of their surplus capital and stock. Allotments were made, either in accordance with the number of persons in the community,—in which case each father of a family received an amount of land calculated upon the numbers of his household,—or by *Tyaglos*. The Tyaglo, answering in early times to a certain number of persons, usually from three to five, latterly came to mean a married couple with children who were not grown up; and when several lived together, as in the case of a father and his married sons, it was known as a double, threefold, or fourfold Tyaglo, according to the circumstances of the case. The internal affairs of the community were left entirely to its members, and were regulated by its elders under a Starosta, or senior, a decision, to be final and binding upon the community, requiring the consent of two-thirds of all the members. The peasant might quit his village for a town, with the permission of his lord, continuing to pay *obroc* during his absence, in the place of his actual service; and if he prospered in trade, the amount of obroc demanded from him was occasionally very large. As soon as he became a townsman he was necessarily enrolled in a *Tsek*, an association of artisans or traders, under a Starosta, though, by doing so, he was not obliged to follow any particular calling. It was simply the perpetuation of the custom of the rural districts under a civic form. A number of Tseks, under a supreme Starosta, constituted an *Artel*, which was answerable, up to a certain point, for each of its members, regulating the wages for which they worked, and dividing the profits, which seem to have represented, as it were, the land of the village, and were similarly held in common. During his life in a town, however, the native-right of the peasant in his own locality was only in abeyance; for he might return at any moment to his village, and claim his share in the land at the next re-allotment.[1]

In the Russian peasant, therefore, before his recent emancipation,

[1] My authority is *Eckhardt*.

might have been seen the equivalent of the Læt amongst the Germans of a thousand years ago, little, if at all, in advance of the servile cultivator of the days of Tacitus, who was left in the undisturbed occupation of his "Sedes et Penates" as long as he fulfilled the bidding of his lord in all that was required of him. The reason must be sought for in the history of Russia in the past. Vladimir, the great-grandson of Rurik, and the first of his descendants who embraced Christianity, assumed the title of "Veliki Knez," or Grand Prince, and dying in 1015, is supposed to have bequeathed his dominions between his eleven sons and a nephew. Before the close of the same century the supremacy had passed from the elder branch of the family, ruling at Novgorod, to Andrew Knez of Vladimir, or White Russia, the ancestor of the Grand-Dukes of Moscow. The battle of Kalka was fought in 1223, and from that time forward, down to the close of the fifteenth century, Russia was under the rule of the Tartars. In the age in which the oldest Russian legal document was in force, the "Pravda Russkaya," which is supposed to have been in existence in the early period of Russian Christianity, corporal punishment is said to have been unknown; in other words, before the inroad of the Tartars there would appear to have been a free class in Russia, as in Western Europe, with a code ignoring a punishment confined to the servile classes. Two centuries and a half of Tartar thraldom must have obliterated the recollection of such a class, if it ever existed; for when the leading Russian Knez, the reigning Duke, was bound to find his way once every year to the citadel of Moscow, and in the presence of the Golden Horde, on foot, bareheaded, and with his cap filled to the brim with oats, to feed the horse of his lord the Tartar Khan, in token of submission, his subjects must have been in a condition of the most abject serfdom. Christian was but another word for slave, and the Tartars, a Nomad horde, ignoring every principle of settled government, quartered themselves at will upon their serfs, without interfering with the internal regulations of a class upon which they looked with contempt. The Tartars were driven out, towards the close of the fifteenth century, by Ivan III., or the Great, who assumed the title of Czar, and reducing all the descendants of Rurik to the position of subjects, enrolled them as Princes, with the title of Knez, side by side with the Boyars of the duchy of Moscow, in the "Baratnaia Kniga," the famous "Velvet Book" of Russian nobility. The condition of the peasantry appears to have remained unaltered. As serfs they had existed under the rule of the alien and Mahometan Tartars, and their servile condition was perpetuated under the rule of Christians of kindred origin. In the course of the

following century they are supposed to have been converted into "Krepestnoi," or fixed to the soil. The equivalent of the Vill, or Manor, seems to have been unknown before this period, for the Tartars ignored all such subdivisions of the land, and two or three generations were suffered to elapse after the expulsion of the Tartars before the organization of the land, in the manner already described, appears to have been set on foot. Each of the separate principalities, or independent districts, in existence before this time, would appear to have been the common land, as it were, in the occupation of the servile cultivating class, like the German Pagus in the age of Tacitus; subject to the general demands of the overlords quartered on the soil at will, whether native or foreign, but not subdivided permanently into settled vills, or set apart in private properties owned by the supreme ruler and his nobility. Much as a wealthy stock-owner might collect his cattle into separate "closes," instead of letting them wander at will over an open pasturage, so would the Russian peasantry appear to have been grouped into villages, in each of which they continued to enjoy, though within a fixed and narrower area, their original rights of joint-occupation and self-government, on the footing of servile communities.

In England the principle of the Gasindschaft is traceable from the earliest times, for the King and the Gesithcundman are found in every quarter occupied by the Angles. Gesithes tun, gesithes cirice, gesithmannes cniht, are the renderings of *villa comitis, ecclesia comitis,* and *puer comitis* in the translation of Beda's History; and it is natural to suppose that a series of invasions, in which the sea was crossed, would have been carried out by separate military Gasindschafts rather than by more or less settled communities. The German confederacies with which the Romans of the second and third centuries were most familiar seem to have often been Gasindschafts, as they would occasionally send back to the old country for a king; a proceeding that looks like a Gasindschaft renewing the tie that bound together the confederacy; for in a community of Adalings the want of an Ealdorman would have been supplied on the spot. The Judex preceded the Rex amongst the Goths, but the Gasind was on a footing with the Primus or Adaling amongst the Lombards, and the Bavarian Confederacy would appear to have been a Gasindschaft from very early times; for instead of the Nobilis and Litus of the *Lex Saxonum,* and the Primus, Mediocris, and Minor of the Codes of the Burgundians and Alamanni, the Bavarians were divided into Agilolfings from whom the Duke was chosen, the Five Families, and Ingenui. In his letter to Egbert of York, in which Beda inveighs against

the abuse of grants in alms, he points to the two occupying classes of his age, when he deplores the absolute want of land for the provision of the "*filii* nobilium aut emeritorum militum." The noble in right of his birth, and the soldier in right of his service, were evidently entitled to grants of land, or *læns;* but the grant or læn was neither inheritable nor bequeathable, resembling rather the portion of public land allocated by the Censors, and occupied by a member of the privileged class in the early days of Rome. The right of receiving such a grant was inherited by the descendant of the noble and of the soldier, but it may be seen from the words of Beda that the son had, as yet, no claim upon the actual læn in the occupation of his father. His claim was upon his lord the king, or, if he was a cniht, upon his lord the Gesithcundman, from whom he seems to have been entitled to receive a provision in accordance with his standing; and Benedict Biscop, when he exchanged a secular for a religious life, resigned the benefice he had received from his kinsman the Northumbrian king "in accordance with his birth,"—it was his birthright. A reflection of the custom of Beda's age might still have been observed in Western Europe, about the opening of the present century, in the district of Friesland known as the Theel-land, in which the son, on arriving at manhood, received a separate Theel, or portion of the common land, as if his claim were upon the community rather than upon the father: and the custom known as Borough-English, Maineté, and under various other names—the succession of the youngest son—may have arisen out of this practice. The youngest son remained with the father, and naturally succeeded to the Theel on the supposition that the elder brothers were provided for; but, it was not until a later age than that in which Beda wrote, and in a more settled stage of society, that the son "relieved" the actual acres in the occupation of his father, and the barony, the vill, or the "hedged off" portion of land in the vill, gradually became a landed property held with absolute right of ownership, and descending to the heir. The grant of land by *Boc,* or charter, seems to have been confined in Beda's time to church lands held in pure alms, without the military obligations of secular service; for, by the abuse of which he complains, the State lost the service that the Church did not gain—"Neque Deo, neque hominibus, utilia sunt loca,"—and the Trinoda Necessitas would appear to have been imposed a little later in the century. But the acts of previous kings might be reversed, he adds, by better princes, and the writings of evil scribes could be annulled by the sentence of discreet bishops,—showing the little weight he attached to the written document in comparison with the power of the reigning

sovereign in temporalities, and of the bishop in things ecclesiastical. The grant of land might be resumed by the king, and the writing of the evil clerk could be annulled and pronounced worthless by his ecclesiastical superior, the bishop. The acts of a king were not supposed to be necessarily binding on his successor, and accordingly the Boc required confirmation or renewal, a sum of money being made over to the reigning king for this purpose, which, in course of time, grew into a fixed and settled payment attached to the tenure of Bocland.[1]

Of the two classes to which Beda alludes one was evidently "Gesithcund and Twelfhynd," but the soldier and his son, as distinguished from the noble and his son, were not Gesithcund. Imma, the follower of Egfred's brother Ælfwine, "juvenis de militia ejus," appears in the translation as "sum geong thæses cyninges thegin;" but the military follower who was not of gentle origin, or the Cniht, as soon as he left the Hird, or immediate following of his lord, and was planted on the land, became the equivalent of the miles agrarius of Widukind, and was probably known in Northumbria as the Dreng. The Dreng will be met with in Vegetius and Vopiscus as the soldier, or member of the rank and file, and Lego-dreng is quoted by Ihre in the sense of "hired soldier." The expression, "gentle and simple," was often rendered in the North by "Danumadr and Drengr;" and where Simeon uses the words "quidem Dregmo," Ailred writes (as Mr. Raine has pointed out) "quidem de minoris ordinis proceribus," or a leading Céorlcundman. A member of this class in Beda's age who was in the position of a Cniht, or fighting man, was entitled to the reward of a fighting man, a læn of Folcland, and was thus converted into a miles agrarius, and numbered "inter minoris ordinis proceres," bequeathing to his descendants the obligations of cniht-hood, entitling them to a similar reward. The Gesithcundman, like the Adaling of a community, was entitled to his læn, or birthright, in virtue of descent, or by allodial right; but the læn of the cniht, or miles, was

[1] *Ep. ad Ecgb.* ii. For the customs of the Theel-land and Maineté, v. *Scotland under her Early Kings*, App. D. The money-payments were made, in early times, to others besides the king,—to any one, in short, who had a claim on the land. Thus Wilfred set apart a portion of his property, by his will, "ut cum muneribus Regum et Episcoporum amicitiam impetrare potuerint;" and Humbert, "princeps Tonsetorum," received a drinking cup, ornamented with gold, in return for resigning all the rights exercised by the "principes" in the lands of Breedon Minster. Two early charters afford a glimpse of an age in which the Comes joins with the Rex,—"Ego Oshere, rex Huicciorum, . . . consentiente comite meo Cuthberto;" and "Ego Sueabræd, rex Eastsaxonorum, et ego Pæogthath cum licentia Ædelredi regis comis." In each case the Comes was probably the official of the Mercian King (like the Pfalz-graf of the German duchies), exercising a certain authority within the dominions of the Underkings. A little later a King's-Reeve and a King's-Ealdorman would have been found amongst the Huiccii and East-Saxons. —*Cod. Dip.* xxxvi. lii. cclxi.

the benefice or reward of military service, to be held exclusively in return for, and by the tenure of, such service; and thus arose the feudal tenure by military service,—always free, but not originally noble. The land of the Dreng was liable to all the base services entailed upon Folcland; like the Friling of the *Lex Saxonum* he was under a lord, or a superior set over him by the king; and, accordingly, lands held in Drengage appear in Domesday either as Berewics, or as dependencies in some other way upon a manor. But the Dreng himself was only bound to personal attendance on his lord in hunting, in war, and in riding on his errands; he and his family were free from all the base services attached to his land, to which his dependants alone were liable.[1]

The holding of the Dreng seems to have amounted, at the full extent, to four carucates, a small vill or hamlet, the knight's fee of a later age; and thus, as a cniht, he would appear to have been the precursor of the Medial-thegn, the Vavassor, and the knight of after times, much as the king's-thegn developed into the baron. Not that he was necessarily in the possession of a small vill, for most of the Bishop of Durham's Drengs, in the thirteenth century, seem to have held a carucate of land in return for performing the fourth part of the service of a Dreng. By the custom of Berkshire, in the reign of the Confessor, a miles was found for every five hides, each hide contributing four shillings towards the pound that represented the soldier's pay for two months (a sum that appears to coincide with the ordinary *scutage* of the following century), and the custom is exemplified by the following entry:—"Hubert holds five hides; four of these were of villein-land, and used to pay with the hides of the manor; but the thegn's hide was free, though he could not go where he willed." It may have suited many another landholder, as well as the Abbot of Abingdon and the Bishop of Durham, to plant small freemen in their vills, and pay them in this manner for performing the requisite military service; and it was probably to the fighting men of this class that the words attributed to Gurth by Wace may be supposed to have applied,—"A rabble of vilainaille in their every-day dress does not count for much in a battle." The Dreng was still existing in Northumbria in the thirteenth century, and was liable, as of old, to *utware*, or military service; for he was tallaged heavily in the reign of John for permission to escape Con-

[1] Beda, *H. E.* iv. 22. The Dreng will be found in the Boldon Buke with all his liabilities, in the Testa de Nevill, and in the Pipe and other Rolls. Most of the passages relating to him have been collected in "Hodgson's Northumberland." His equivalent in the South-country, in early days, was probably the *Radcnecht*, *Radman*, or Riding cniht. "The bailiff holds a Radman's-land," and other similar entries, are occasionally found in Domesday.

tinental service (*ne transfretaret*). The class, however, was fast becoming obsolete; its leading members had long been absorbed amongst the medial-thegns and knights, whilst those of lesser standing seem to have often commuted the obligations of their tenure for rent, and were thus converted into fee-farmers, or hereditary tenants-at-rent, without the obligations of base service attached to their land, resembling the Zinsmen and Hägermen of Germany. From the amount of merchet, heriot, relief, and other fines and dues to which the Northumbrian Dreng was liable in the thirteenth century, it may be gathered that the full Dreng, as the holder of a small vill, once belonged to the Sixhynd class. The landless Gesithcundman, who only paid half the fine imposed upon his landholding equal by birth for "neglecting the Fyrd," and the Wealh with five hides, or Cniht of alien origin, appear amongst the Sixhynd class in the Laws of Ini; and with the Dreng, and his equivalent as a miles agrarius in other parts of England, made up the Mediocres or middle-class of the age, in which the poorer members of the Gesithcund class were blended, as cnihts, with the leading Ceorlcundmen, and with the descendants of the earlier proprietors of the soil who were fast becoming amalgamated with the conquering race. About the opening of the tenth century the Sixhyndman disappeared from the South-country upon the establishment of Thanage (Dienst) as the prevalent tenure; all who fought for England began to be reckoned as English; "Angle and Dane" will be met with instead of "Angle and Wealh," and every tenant in thanage, without reference to his origin, ranked as a Twelfhyndman. The Ceorlcundmen, deprived of their "Proceres," only figured as Twyhyndmen attached as cultivators to the soil, the fighting members of the class, whether upland or in-burgh, were known as thegns, knighthood gradually became an element of "gentle service," and three generations of military service as a landholder with "helm and byrnie," and the holding of a cniht, rendered the race Gesithcund.[1]

When Imma, the young king's-thegn, found himself in the hands of his enemies, he escaped immediate death by declaring himself a poor

[1] *Domesday*, vol. i. p. 56 b, 58 b; *Ini*, 24, 51. In the Testa de Nevill, p. 389, the merchet, heriot, forfeiture, and relief of the Drengs are reckoned respectively at 16 *sol*, or at *one* lb. by the standard of the old light-pound once used throughout Northern England. The Less-thegn paid at this time for similar mulcts, 40 *sol.*, or *two* lbs. sterling, the tenth of his wergild. Assuming the Dreng to have been mulcted on a similar principle, his wergild would have amounted to ten light-pounds, or 120 ores of sixteen (the North-country Hundred of 8 *lbs.* sterling), each containing six light scillings, or Six Hundreds of scillings, reckoning the hundred by English tale at six-score. Hence he was a Sixhyndman, valued (like the Saxon Bauergulden) at half the amount of the Twelfhyndman. Mr. Hodgson has pointed out that the Dreng seems to have held *one*, where the Thegn held more than one vill—he was the semi-nobilis, in other words.

man belonging to the class attached to the land, a "folclic and dearfende man," who had accompanied the army with his fellows of a similar class (heafod gemacum), to carry supplies and provisions for the king's-thegns.[1] His looks, his bearing, and the words he used, however, soon betrayed he was not of "dearfende folc," but of "æthelre strynde;" but the Mercian Gesith, who had kept him for a slave, as he had promised him life, though the death of his own brothers and kinsmen who had fallen in the fight remained unavenged through sparing Imma, sent him to London, where he was sold to a Frison. He dealt with him as his ancestor in the days of Tacitus would have dealt with his equal by birth, who had staked his liberty at a game of chance, and lost—he sold him out of the country, a proceeding so strictly forbidden in the Capitularies, and other contemporary codes, that the universal prevalence of the custom may be inferred from its universal prohibition. Besides the noble and military classes, therefore, there was also a Folclic class in Beda's age, whose claim to a grant of land is ignored by the historian, for they were without a "birthright"—without either the allodial right of the Gesithcundman, or the feudal right of the Cniht, or miles agrarius. Their services seem to have been limited to tilling the soil to which they were attached, and to supplying in war, as well as in peace, the wants of the fighting classes entitled to occupy the land. Military service, and its contingencies, were not entailed upon an ordinary member of the Folc, and if captured in war he became the property of the conqueror, to be retained or sold at the option of his owner. He might be slain in pure wantonness, but he was not deemed a proper object for avenging a blood-feud. He may be supposed to have been the representative, in a different state of society, of the free cultivator in the time of Tacitus—the man unfitted for war; and accordingly he was reckoned as a Twyhyndman, or at twice the value of the Wealh, who, like the Slav upon the Continent, was the representative of the unfree cultivator, or of the Læt permitted to remain on the land to till it. The old Germanic principle seems to have been still in force, though in a more settled phase of society it was carried out differently. The Pagus had by this time been measured out permanently into vills and shires "pro numero cultorum," or in proportion to the number of the whole cultivating class; but it was still divided "inter se," and occupied in læns by the fighting classes "secundum dignationem," or in accordance with their rank and position.

A glimpse may be obtained of a very early stage of society in the

[1] Beda, *H. E.* iv. 22.

Code of Æthelbert of Kent, in which the King, the Eorl, the Ceorl, and the Læt appear above the population in a state of actual servitude. The Læts were divided into three classes, corresponding so closely with the Frigiven-man, his son, and the Bonder (not the Odal-Bonder) in the Gulathing, that they may be supposed to have answered, in a similar manner, to the enfranchised cultivator of the soil, his son, and the third in descent, the free Læt with his *mægborh* complete, or his "Vier Anen" (his two grandfathers and two grandmothers) the necessary qualification for full freedom, as well as for gentle birth. A Læt of the highest class was valued at eighty Kentish scillings, the equivalent of the five pounds that still represented in Domesday, and in the reign of Edward I., the wergild of the Kentish Gaveller, who thus stood in the position of the Læt of Æthelbert's time, just as the Knight, who was the contemporary of the Gaveller, occupied the place of the Dreng, or miles agrarius of earlier days. Land in Kent used to pass by the custom of Gavelkind, unless proof was shown to the contrary, just as it passed elsewhere by the common law, unless proof of customary tenure was shown, pointing to the universality of the custom of Gavelkind in the old kingdom of Kent. When John permitted the Archbishop of Canterbury to convert his tenants in Gavelkind into tenants by Knight-service, the "consuetus redditus denariorum," or the gavel-penny exacted from every acre, was to be retained, and the "xenia, averagia, et opera," due of old from the land, were to be commuted for the payment of rent in money.[1] Frank-socage is defined by Bracton as "servitium in denariis," and thus the Archbishop's tenants in Gavelkind were "enfranchised." By the custom of Kent, therefore, all the land was originally held by base-service, for the Gaveller was not liable to military service. He was only bound to attend in the manor-court of his lord, held every three weeks, to swear fealty to him, to pay all his rents, and to render all his services; but he handled the plough in early days, not the sword, and was never a soldier unless he was taken from the plough. He was the representative of the free Læt of Æthelbert's Code, not of the Ceorl, and thus it may be seen that the land in Kent was left entirely in the hands of the cultivating class, and merely occupied by the fighting classes, represented by the Eorls and Ceorls, Jutes probably of the purest blood. The king's-thegn and the Gesithcundman replace the Eorl in Wihtred's Laws, and, in the

[1] *Lambard*, p. 532. The payment of *Xenia*—optional payments (nominally), or the "aids" of base service—marks the Gavelkind tenure as free, though base, the essential characteristics of *Roturier* tenure. Xenia answered to the *Gersume*, and the expression "nunquam gersumavit" will occasionally be met with, marking that certain services, or payments, were obligatory and not "precarious."

course of the same century, before the establishment of the system of Dienst or Thanage over the whole of the South-country, Kent ceased to be numbered amongst independent kingdoms. Hence, whilst the custom of Berkshire provided a fighting man from every five hides, in accordance with the system of Thanage, the custom of Kent, ignoring the connexion of the fighting man with the soil, provided a gafol-gelding man or Gaveller, from every messuage with a certain amount of land attached to it. The fighting was left to "the lord," whether Jutish Eorl and Ceorl, or Thegn and Cniht in later times; and accordingly, though the men of Kent fought at Hastings, the Gavellers retained their lands and ancient privileges after the Conquest, for, from the tenure of their service, they were not engaged in the battle. The Boc, or the Læn, gave a grant of rights, more or less permanent, over the soil, and over the owners of the soil, to the thegn or the cniht; but the soil itself, by the custom of Kent, was the property of the cultivating class, free tenants by base service, unless the land was enfranchised by commuting the service for rent.

In Kent alone, however, would have been found a community of allodial cultivators, with proprietary rights, resembling the Emphyteutæ of the Empire, and corresponding in some respects with a free class in the position of the Russian peasantry. A few alodiarii were scattered here and there in Eastern Wessex and in Surrey; but as a class, combining the privileges of full freedom with the obligations of base-service, they were nowhere to be found in the reign of the Confessor, except in Kent—for the Socmen of the Danelage would not have answered to a class of this description.[1] The Geneat or sharer in the Vill was not an alodiarius; for, even where he was irremoveable from the district to which he was attached, he could neither dispose of his share-right nor quit the district and "go where he willed," as was the case with the Gaveller. To go where he willed, either *with* or *without* his land, to sell his land to any buyer, to sell it after first offering it to his lord, to sell his tenancy in the land, or to resign and go where he willed,—such were some of the privileges belonging to full freedom, and to none of these could the Geneat aspire. Personal enfranchisement was originally of a double character; the State, whether represented in the person of the sovereign of a Gasindschaft, or in that of the chosen Ealdor of a com-

[1] The classes that could claim the "wites," or fines levied on their "men," by the Conqueror's Laws "en Merchene lahe," were "Li Erevesque, li eveske, li quens, li barun, et li socheman," where the proprietor in Frank socage, levying fines on his men, figures in a very different character from the Gaveller in attendance on the court of his lord.

munity of Adalings, being alone entitled to confer full freedom or public enfranchisement. It was a principle of northern law, that "he who gives freedom must provide the means of living;" and a man was not allowed to enfranchise his serf and throw him upon the general community for support—the State alone could provide him with a læn of the public-land, or Folcland. Private enfranchisement, accordingly, by charter, or at the altar, only represented in early times a gift of free-rights as far as the power of the donor extended—freedom within the limits of the vill, the manor, or the barony; and out of private enfranchisement arose the adscription to the district, which was in full force amongst the majority of the Twyhyndmen for many a generation before the Conquest. Accordingly, the right of the Geneat, where he had any, was in the blood, like that of the fighting classes in early days, and as the latter enjoyed a right to a læn without the privilege of ownership in the soil, so the inborn Geneat, or *Nativus*, enjoyed a right to a virgate or two of land in the district in which he was located, without any privilege of ownership attached to it.[1] His arable, his pasture, his meadow, were in the common-land in which he enjoyed the right of sharing with his fellows belonging to the vill, from which they acquired the name of Villani. Within the vill he was a freeman, with rights as well as duties; but both rights and duties were alike bounded by the limits of the vill. The bailiff of the Bishop of Rochester, for instance, was bound to ride at his own cost on the service of his lord within the limits of the barony; but if business carried him beyond the "forty hides," he and his horse lived at the cost of the Bishop. The villein might sell his stock to whom he chose within the vill, but his lord had a right of pre-emption over a buyer from without. He might marry his daughter within the vill without the permission of his lord, but if he married her

[1] "Les Naifs, ki departet de sa terre, ne deivent *cartre faut naivirie* quere, que il ne facent lur dreit service, qui apend a lour terre."—(*Will. Conq.* xxx.) From the necessity of obtaining a "charter of nativity," it seems evident that the Nativi, or Adscripti glebæ, as a class, represented at this time the Liberti per chartam of the Continental codes. The class seems first traceable in the Laws of Wihtred :—(8.) "If any one give freedom to his man at the altar, let him be folk-free; let the freedom-giver have his *yrfe*, and *wer-gild*, and the *mund* of his family, be he over the march or wherever he may be." Thus the freedman had no right of property, and, as far back as four centuries before the Conquest, was in as strict dependence on his lord, whether "over the march," or within the manor, as the Russian peasant before his emancipation. The form of conferring full freedom, the equivalent of emancipation "per denarium," is not preserved in the old English codes, unless it may be supposed to have been similar to the rule of the Conqueror's Laws (iii. 15). In the presence of the shire and shire-gerefa, the master gave his serf the arms of a freeman, sword and lance, and showed him "liberas vias et portas," bidding him go where he willed. The gift of arms seems to mark the military character of the full-freeman.

to a stranger, he paid merchet—*mearc-scat*, or maiden-money. Some of the maternal kindred were always included in the *mægborh* and in the *werborh*, and the kinsmen of a married woman were, by ancient custom, up to a certain extent answerable for her. But the lord was answerable for his dependants; and before he consented to the liability of paying for one of them in a strange vill, he seems to have demanded a sum of money for assuming the responsibility; the merchet remaining attached to base-tenure, as an obligatory payment, long after the probable reason for its original assessment had passed away and been forgotten.

There was another class besides the Geneats, the Geburs, who were supplied with stock and seed when planted on the land; and, upon the death of a man of this class, it was customary for the lord to "take what he left." His property, like the *peculium* of the Roman serf, was only acquired by the permission of his lord; it was the surplus, as it were, of the stock and seed committed to his charge; and hence it lapsed to the lord, upon the death of the Gebur. As the Heriot of early military tenure represented the return of the loan of arms, committed to the charge of the thegn or cniht, so the Heriot of base tenure represented the return of the stock committed to the charge of the base-tenant, and known as *ferreum pecus*, *steelbow*, and under various other names; but as the tenancy became hereditary, the Heriot of gentle-tenure disappeared in the Relief, or sum paid as a fine upon the renewal of the benefice, whilst the Heriot of base-tenure became the "best beast," given in return for a similar renewal of the share-right of the base-tenant, the Relief and the Heriot becoming attached respectively to both tenures as fixed and obligatory payments. In the Laws of Ini it is laid down, that if a Gesithcundman was "driven from his land," or deprived of his benefice, he was to be driven from the house (botl), and not from the stock, which was evidently his own. In other words, he was a man of property, and supplied the stock for the land that he held; but, as he might only take with him his reeve, his smith, and his child's fosterer, the actual cultivators of his benefice, whether bond or free, belonged to the district. In the Confessor's reign, however, if the Lancashire Less-thegn declined to relieve his father's land by paying the tenth of his wergild, he might go where he willed, but he left the stock upon the king's land. He was a full-freeman, liable to military service, and bound to attendance in the Court of the Hundred; but his tenure resembled that of the Gebur, and though he might go where he willed, neither the land nor the stock was his own. He must originally have been a fighting man without property, planted with stock and seed on the land, and provided with arms to

defend it; and similarly, the Gebur was originally the "pauper et rusticus" of Beda,—belonging to a lower class, the "dearfende folclic man," who was supplied with stock and seed, and planted on the land to cultivate it for the benefit of the men who won and defended it with the sword. The descendant of the Gebur, if permitted to remain on the land, would grow into the Nativus or Geneat, and the prevalence of the Heriot amongst the villeinage points to the fact that the majority of the class were originally of this description. When Denewulf, Bishop of Winchester, returned to Edward the Elder the seventy hides he had received at Beddington, he stated that the land, when originally made over to him, was entirely waste, without either "pecunia" or "pauperes" belonging to it. He supplied it with both, and accordingly the "pauperes" he planted in it would have had neither right to the stock nor claim on the land, and such would have been the ordinary condition of the villeinage.[1]

As the Læt, therefore, was a relic of the earlier system under which the servile cultivator dwelt in his own home, and supplied his lord with all that he wanted, so the Geneat came into existence with the introduction of free service in connexion with the cultivation of the soil, through which a member of the poorest class of freemen was planted as a cultivator on the land to which he had no claim, like the Adaling or Gesithcundman, in right of his birth, or, like the Miles Agrarius, in right of his military service. The Northumbrian Æthelfrith, according to Beda, was remarkable above all his predecessors for the success with which he drove the Britons from off the land or set them to tribute, an expression rendered in the translation by "to gafolgyldum gesette"—he made them Gafolgeldas or Gavellers. The land he won would have been occupied and defended by the fighting classes, and cultivated either by the Læts, who were permitted to remain as Gavellers (much as "the Roman" was allowed to hold his land under the Burgundian), or, when the Britons were driven out, a free cultivating class would have been introduced in

[1] *Ini*, 63, 68; *Domesday*, vol. i. p. 269 b; *Cod. Dip.* mlxxxix. "Wasted by heathen folk" is the expression in the original charter, pointing to the normal state of many parts of England at the opening of the tenth century. Even assuming the existence of a number of small allodial communities in England, before the close of the ninth century, they must have been more or less broken up by the wide-spread ravages of the Northmen. The re-settlement of the land would have been carried out in accordance with the principle of *Dienst*, thanage, or military tenure, adopted by the House of Alfred; and throughout the South-country and English Mercia, all who were not Thegns remained (with few exceptions), as a class on the footing of the Danish freedmen, as "Ceorls upon Gafol-land." The effects of the Scandinavian inroads upon the British Isles are usually as much underrated, as those of the Norman Conquest upon England are overrated. It is "the Dane," not "the Norman," who lives in local tradition as the popular "enemy."

their place as a Gafolgelding tenantry, amongst whom the land would have been roped out and divided, each recipient of a share becoming a Geneat, with share-right in the common land of the district. Hence the Wealh will be found in the earlier codes with a hide, or half a hide, of land, representing the Læt who had been permitted to remain on his land as a cultivator, whilst the Ceorl was either a Geneat, or a fighting man bound to attendance in the Fyrd, holding respectively by base or by military service. A similar course appears to have been followed upon the Continent. A measure of grain, forty cords, and twelve pence of pure silver, were annually due to the Bishop of Magdeburg, from every plough amongst the Wends of his diocese, whom Otho I. had permitted to remain in the position of Læts or Gavellers; but, when Henry Count of Racesburg, introducing Westphalian colonists "in terram Poloborum . . . divisit eis terram in funiculo distributionis," the Wends must have been driven out, and their lands "roped out" amongst Saxon immigrants.[1] In the treaty between Alfred and Guthrum-Athelstan of East Anglia, every Dane and Angle was reckoned in gold as a Twelfhyndman, "except the Ceorl that sits upon gafolland, and their Leysings," who were valued as Twyhyndmen. In Alfred's reign, accordingly, or towards the close of it, the fighting Ceorl was reckoned as a Twelfhyndman, whilst the cultivating Ceorl, or Gaveller, was a Twyhyndman, and reckoned on a footing with the Freedman, or enfranchised serf of a Dane. As the touch of oar or sail, by Northern law, enfranchised the serf, every follower of the Danes landed on the shore of England as a freeman. A similar rule may have prevailed amongst the Angles, and, as they roped out the land they won from the Britons, they probably planted in their Liberti as a free cultivating class, or "Ceorls upon gafol-land,"—for the Angle of pure descent was most assuredly "a fighting man."

Three free classes, therefore, may be distinguished in connexion with the land in England, two of them full-free, Gentle and Simple, Eorl and Ceorl, who defended the lands they won with the sword, and

[1] *Helmold*, i. 12, 14, 87, 91. The "aratrum Sclavorum" was drawn by a yoke of oxen, or two horses—by one, according to another earlier account. The "twelve pence of pure silver" represented the "solidus from every mansus" demanded in the Capitularies; and it is worthy of remark, that the smallest holding of the Russian peasant householder (the four and a half deçatines, or twelve statute acres) corresponds very closely with the mansus of twelve acres from which the solidus was demanded. It probably represents the amount of land originally assigned to every possessor of one of these small ploughs. The mansus, or fixed residence, was scarcely in existence amongst the Wends in the days of Otho I., and accordingly they appear to have been rated at the number of ploughs they kept in use.

occupied it in right of gentle birth or of military service. The third class was only partially free, cultivating the soil on which its members were originally planted, or suffered to remain, after the conquered land was divided into vills and shires; and as Geneats, Geburs, Cotsetlas, Bordars, and under various other names, they were the representatives, and occasionally the descendants, of the class of servile cultivators attached, in yet earlier times, to the soil. The remaining population of the rural districts had not emerged from servitude. The germs of the system of military or feudal tenure may be traced in the læn, or benefice, rewarding the services of the Cniht, or Miles, the precursor of the Ritter, or Knight; and to the immediate successors of Alfred, if not to the great king himself, may be attributed the establishment of military tenure over every portion of England under the more immediate rule of the sovereigns of his House. From about the opening of the tenth century, if not from the close of the ninth, frank-tenure and gentle-tenure became identified with the tenure of the Thegn (or Dienstman) throughout English Mercia and the South-country, all who held by it acquiring the position of Twelfhyndmen, though they were not necessarily Gesithcund, or of gentle birth and descent. Hlaford-socn, or the obligation of "seeking a lord," became incumbent upon the whole free population, the principle of commendation binding them in dependence, more or less direct, upon the sovereign. "If he have Bocland, let that be forfeited (for a deed of outlawry) into the king's hand, be he the man of whatever man he may."[1] Such was the principle laid down in the Laws of Canute, but it was acted upon by Alfred long before the reign of the Danish king. When the forty hides at Alresford, granted originally by Tunbert, Bishop of Winchester, to one of his kinsmen, were forfeited for the misconduct of Alfred, a descendant of the latter, the king not only confiscated the personal property of the delinquent, but made Bishop Denewulf buy back the land thus forfeited by "his thegn," with a fine of sixscore mancuses of gold. He assumed that the land was chartered thegn-land, held by military service, and as such reverting to the crown on forfeiture; as directly, or indirectly, the sovereign was the overlord of all who held their land by military tenure.[2] A læn of

[1] *Cnut.* S. 13. The principle will be found long afterwards in English law. For instance, "in case the tenaunt . . . have but one parcelle of lande holden of the kynge in capite, the kynge shall have all the hole landes, holden of every lorde, during the nonage."—Fitzherbert's *Surveyenge*, p. 46.

[2] *Cod. Dip.* mlxxxvi. mxc. mclxxxix. Dci. "Omni substantia peculiali recte privatus est, et præfatum rus ab eo abstractum rex hujus patriæ suæ ditioni avidus devenire injuste optavit." From these expressions, used by the scribe of Edgar's document, he seems to have assumed the tenure of Church-lands to have been in "pure

Folcland, however, unless specially enfranchised, was liable to the obligations of Folcland, though the holder was personally free from them; for it was a legal axiom in later times that tenure in villeinage did not constitute a villein; and the benefice from which the service of "a helm and byrnie" was required, remained more or less liable to the obligations of Folcland, until the charter of Henry I. freed the demesne lands of all who held by the hauberc (*per loricam*) from every service except the strict obligations of military tenure.

The germs of the principle of private ownership in land may be traced in the Boc, or charter, first introduced, apparently, by the clergy, in connexion with grants of lands made to the Church, the "possessiones prædiorum" of Beda, rendered in the translation by "Bocland æhte." The protest raised by the clergy against the practice of "enslaving" the lands of the Church, or treating them like Folcland, seems to have led to a compromise about the middle of the eighth century, the original tenure of "pure alms" was practically abandoned, and Bocland was released from all secular services except the Trinoda Necessitas—attendance in the Fyrd for general military service, Bridge-work and Burghbote, which may be rendered in a general way as the duties of keeping up the king's highways and royal burghs. A certain amount of building was annually due from all tenants in base service, and this seems to have been compounded for by a fixed and settled service, or an equivalent payment entailed upon Bocland. London Bridge and the Tower were built by labour contributed in this manner from a wide extent of country round the capital. Bocland, if inherited, passed by the will of the first recipient of the grant, and by those of the subsequent holders, and, if it was so settled, could be strictly entailed in the family, which would seem to have been the course usually followed. Alfred, in whose Laws this principle will be found, adhered to it so strictly, that, by the provisions of his own will, every grant of land he bequeathed to "the spindle-side" was to be annulled, if the land was found to have been inherited from Egbert, whose Boclands were all entailed on "the

alms," or allodial, when, as in the case of the allodial Gavellers of Kent, the land would not have been forfeited for felony. Alfred thought otherwise, and the principle he enforced will be found in King Henry's Laws (lxxxviii. 14), "Nemo forisfaciat feudum suum legitimis heredibus suis *nisi propter feloniam*, vel reddicionem spontaneam." It still remains in force. Ælfric, son of the defaulting Alfred, seems to have obtained the lands from Edred, and they were confirmed to him in the first year of Edwy's reign, Odo, Ælfsige of Winchester, and all the West-Saxon prelates, attesting the grant; but Æthelwold got them back for his See in Edgar's time, if an unwitnessed charter may be trusted. In both cases the grants were "Bocs on ece yrfe," or in perpetual inheritance. In both cases curses were invoked on all who cancelled the charters—mere forms in either case.

sword-side." Hence it was in the power of the original recipient of a grant of Bocland to entail it in any manner he chose, the inheritors holding it under the provisions of his will, and bequeathing it with additional provisions if they thought fit to do so.[1] Hence also arose the necessity of a will; and for the privilege of making it, as well as for the confirmation of its provisions, the sanction of the sovereign was required, the Boc by which the land was held also requiring confirmation or renewal. Athelstan made over sixteen hides at Pipingminster to "Ælfheah his thegn," a sum of money passing as usual upon the occasion of the grant; and three years afterwards, Edmund, in the second year of his reign, granted the same sixteen hides to "Ælfheah his thegn." Both the grants are indorsed as "Bocs on ece yrfe," or in perpetual inheritance, yet the perpetuity of the inheritance was evidently dependent on the will of each successive sovereign, who was not necessarily bound by the acts of his predecessor. Twenty hides at Mordun were granted to Ælfsige "on ece yrfe" by Edmund, and thirteen years later the same twenty hides were granted "on ece yrfe" by Edmund's son Edwy to Winsige. The five hides at Worthig, first made over by Egbert to the Old Minster at Winchester, after passing through various hands, will be found in the Book of Abingdon amongst the lands belonging to that monastery; and amongst the charges for which Ælfric, Ealdorman of Mercia, was outlawed in the great Gemote held at Cirencester, was his violent entry into certain lands, some of which had been granted to his father Ælfhere, by charters that are still existing.[2] Out of the custom of acquiring and bequeathing landed property in Bocland, therefore, arose the double necessity of making a will and obtaining a confirmation of the original grant. Every early will, accordingly, dated after the opening of the tenth century, commences with a petition that the king would permit it to hold good, always containing a bequest to the sovereign, and usually to his queen, in order that the petition might be granted. If the bequest was refused, the will was not allowed to stand, or, in other words, the

[1] *Leg. Alf.* 41. The will of Alfred will be found in Thorpe's *Diplom.* p. 484. The document immediately preceding it, the will of Ealdorman Alfred, affords an excellent instance of the power of entail possessed by an owner of Bocland. Alfred bequeaths the bulk of his property eventually to his sole daughter and her children; failing heirs of her body, to "the nearest hand of her direct paternal kin . . . whosoever it may suit,"—to the heir-in-chief of the direct paternal line. He provides for a son who had no claim on the property (evidently illegitimate) with a gift of land that was to be made up to at least ten hides, the holding of a full thegn. Lands, he seems to have inherited from his mother, were to pass eventually in his "direct maternal kin." Finally, if "a nearer heir come forth of the male sex, and is born, then I give to him, after my day, all my inheritance to enjoy as may be most agreeable to him."

[2] *Cod. Dip.* mcxvii. mcxl. mcxlvi. mclxxxv. mcccxii.

grant was not renewed,—an instance in point will be found amongst the wills collected in Thorpe's *Diplomata*, in one of which the widow appears to have been obliged to clear the character of her dead husband, whose will had not been allowed to stand on the ground of his defection to the Danes.[1] The heriots, which are distinctly traceable in the wills of the tenth century, appear as fixed and settled payments in the Laws of Canute; for the amount of the money payment, forming an important portion of the heriot, seems to have been left in earlier times very much at the option of the sovereign. A rough and summary method appears to have been adopted in the case of Church-lands; for, upon the death of a bishop, or an abbot, the king quartered a number of his thegns upon the lands of the see, or minster, which were thus "enslaved" or treated as ordinary Folcland, until the payment of a fine secured a renewal of the enfranchisement. The heriots of Canute's Laws were confirmed by the Conqueror with two characteristic alterations. A certain number of the horses in the heriot were to be hunters and hacks, and the money payment of the tenant-in-capite, no longer reckoned as a fixed and settled sum, was left as in earlier days at the option of the sovereign—pointing to the Relief à misericorde, and confirming the account left upon record by the contemporary chronicler of the two blots upon the character of one of the ablest princes that ever ruled over England,—his overfondness for the chase, and his avarice. The charter of Henry I. re-established the principle of "a reasonable relief," but in the *Dialogus de Scaccario*, and in the legal treatise of Glanville, who alludes in his Preface to the doctrine of the Civil Law, "quod principi placet, legis habet vigorem," the Relief à misericorde again appears in connexion with tenants-in-capite. The first stipulation in Magna Charta provided for a return to "the old relief" of 100 lbs. from every full barony, in accordance with the principle laid down in the Laws of Canute, and confirmed by the charter of Henry I.; but after 1297, when, for the first time in his reign, Edward, who was in want of money to provide for his impending wars in France and Scotland, confirmed the Great Charter in return for a grant of the eighth of the chattels of his lay subjects, the relief of a barony, as distinguished from an earldom, was reduced to 100 marcs.[2]

[1] Thorpe, *Diplom.* p. 539. The heriot is not mentioned in the few wills that are dated before the tenth century, but in two instances the wergild is "bequeathed to St. Peter." All the earlier wills, however, are connected with the county of Kent, and their form may have been in accordance with the custom of Kent. Otherwise, the change is quite in keeping with the introduction of Thanage or military tenure, at this period.

[2] *Cnut.* S. 72; *Will. Conq.* xx.; *Fœd.* i. p. 878. The meaning of the change in Edward's time belongs to the history of a later period, and may be touched upon hereafter. The principle of the Relief was acknowledged long before the Conquest.

Bocland passed by will, and everything that was held by customary tenure passed by the custom of the tenure; but that land, in very early times, was not included amongst bequeathable property may be gathered from the very word by which the latter seems to have been originally known—*yrfe*. A "Boc on ece yrfe" was a charter in perpetual inheritance; yet in the charter of the lands at Beddington, already alluded to, where the Latin text uses the expression "sine pecunia," the context in the vernacular is "iærfælæss," or without yrfe. "Londe" and "yrfe" are occasionally distinguished in old wills, and thus the meaning of the word, that came in time to signify "inheritance" of every description, was confined originally to "pecunia," personal property or stock—the goods and chattels which alone represented the property that was bequeathable and divisible amongst the heirs, "cwice yrfe" meaning live stock. The "hereditas" by Ripuarian Law was divisible amongst male and female heirs, but the "hereditas aviatica" passed to the males alone; the same word *hereditas* being here used in two separate meanings, perfectly intelligible a thousand years ago, but leading to confusion in the present age if the distinction is not carefully noticed. Wills were unknown to the Germans of the time of Tacitus, nor was a will required in customary tenure, nor indeed in any tenure in which the yrfe, or inheritable property, passed by uniform and unalterable custom. In the case of a man who died intestate, the property, following ancient custom, was divided amongst the heirs, "the wife and children and relations, to every one according to the degree that belongs to him;" the "lord," after deducting "his heriots," superintending the division in the capacity of a guardian, as it were, thus pointing to the acknowledgment of the principle of "wardship" at least as early as the days of Canute.[1] When Alfred rebuilt London and gave it to his son-in-law, the Mercian Ealdorman, the milites agrarii introduced within the walls continued to live by the custom of the rural districts from which they were withdrawn. They counted their tythings and their hyndens in the time of Athelstan; the chattels of the thief, after he was hung, were divided within the walls between the king and the fellowship, as in the rural

[1] *Cnut.* S. 71. So in the Conqueror's Laws (xxxiv.)—"If a man die intestate, let his children divide the inheritance in equal portions," an enactment in strict accordance with the principle laid down in the *Grand Coustumier* (c. 26): "Tout heritage est partable." The actual fief to which "wardship" attached was indivisible, but where there were many fiefs they were divisible in equal portions among the heirs "by custom of Normandy," in the manner laid down in the chapter above quoted. The earlier Norman custom was confined, in course of time, to the property of heiresses, and accordingly, in the commentary on the *Coustumier*, the passage quoted above is elaborated into "tout héritage est partable *et impartable*."

districts between the king and the Hundred; and in the reign of Henry III., when a "Plee de Terre" was heard in the Court of Husting, a fourth of the jury was taken from the Ward in which the Terre was situated, and the remainder in equal portions from the three nearest wards—just as the decanus and two men from a Frithborh or Tything, with the decanus and two men from each of the nearest Frithborhs, made up the jury in the rural districts according to the directions in the Laws of the Confessor. The yrfe or inheritance of the London burgher, as far as it was represented by separate messuages and goods and chattels, was divided in ordinary cases into three portions; one for the widow, another divisible amongst the children, whilst the third was set apart for discharging the debts of the deceased, the residue passing to the heir he may have named—occasionally to the Church. His "conquest," or all that he may have acquired and not inherited, was at his own disposal, on the principle governing Bocland, a grant of which was the "conquest" of the first recipient, and bequeathable by will. The actual burgage tenement, though it might be sold on the plea of poverty, with a right of pre-emption for the heir, was as indivisible as the Fief de Hauberc and its members, passing to the heir-in-chief, subject to the claims of the other heirs upon it. It was usual in the Gavelkind tenure, when there was only one tenement, for the heir-in-chief to buy off the claims of the other heirs upon the messuage and buildings, and a similar usage was customary in Normandy; but when it could not be done, the whole of the heirs must have lived in the house with the heir-in-chief, for whom the hearth, with a space of forty feet around it, was reserved. So, by the custom of London, the widow had a right of "free bench" for her life, or a claim upon certain rooms of the house when it was occupied in common by the heirs. A similar system is still widely prevalent amongst many of the Slavonic races of the Continent, the family, often amounting to fifty, or even a hundred persons, living together under the same collection of roofs under a Pater-familias, or Goszpadar, upon the death of the latter, the heir-in-chief succeeding to a similar position. The actual joint-occupation of a single tenement, however, only occurred in the case of the smaller proprietors; for, wherever it was possible, a separate house with its dependencies was assigned to each of the heirs.[1]

There can be little doubt as to who was the heir-in-chief by the ordinary custom of England. "Parents are accustomed to recognise their

[1] *Jud. Civ. Lond.* i. iii.; *Lib. Alb.* i. p. 181, 392, 393; *Leg. Conf.* xx.; *Lib. Civ.* vi.; *Lambard*, p. 574, 575; *Grand Coust.* c. 26.

eldest-born as the head of the family (*principium liberorum*), and to give him the preference in dividing the inheritance," wrote Beda. "Let the eldest son succeed to the father's fee; his purchases, and all that he may have acquired (the conquest), let the father bequeath to whom he wills." Such was the ordinary usage in the age in which the "Laws of King Henry" were compiled, or about the opening of the thirteenth century, the very custom of Borough-English pointing to the practice of selecting one of the sons as heir-in-chief. In the usage of Beda's age may be traced the principle of tenure in Parage, ignored by the Common Law of England, but widely prevalent upon the Continent, where the expression Haute Parage was identical in early days with Haute Noblesse. It was tenure par Parage, according to the Grand Coustumier of Normandy, when the brothers and the cousins shared in the ancestral inheritance and held of the eldest born, and when the holder of a fief and he of whom he held it were "pers par le reson del lignage,"—"peers," or equals, in right of kindred descent. The family ended at a certain point, at the fifth, the sixth, or the seventh degree, and beyond the limits of blood-relationship tenure in parage ceased, and tenure in homage began—the holder of the fief, ceasing to be the *peer* of the heir-in-chief, became his dependant or *man*, holding by service of some description; in gentle-tenure by military or other gentle-service, in frank-tenure by servitium in denariis or payment of rent, and in base-tenure by base-service. Wherever the title descends to every member of a family of which the heir-in-chief is the recognised head, the tenure is still in existence up to a certain point, clinging to the blood, as it were, even after the land and other property may have long ceased to pass by a similar rule.[1]

Tenure in parage, therefore, or rather the ancient custom out of which it arose, may be supposed to represent the earlier usage of England, and the principle was widely prevalent, if not universal, amongst nearly every people of Celtic, as well as of German origin. The Duchy of Bavaria, for instance, was vested in the Agilolfings, who appear in the Lex Baiorum as the "pares" and "coæquales" of the reigning Duke, who was the heir-in-chief. On the death of the latter his sons divided the inheritance, the

[1] *Leg. Hen. I.* lxx. 21; *Grand Coust.* c. 28, 30. "Terreni parentes, quem primum partu fuderint, eum principium liberorum suorum cognoscere, et ceteris in partienda sua hereditate præferendum ducere solent," were the words of Benedict Biscop, according to Beda (*Vit. St. Ben.* ii.) Tenure in parage was allowed by the Common Law, according to Glanville (L. vii. c. iii.) in the case of heiresses, homage and "a reasonable Relief" commencing from the *third* descent. After the lapse of another generation or two, it ceased to be the law of the land. When the *Grand Coustumier* was compiled, it was the "custom of Normandy;" but when the *Coutumes de Normandie* were written, it was confined (as in England in the twelfth century) to heiresses.

heir-in-chief succeeding to the dukedom, subject to the approval of the Kaisar; whilst the nephews, though heirs in default of sons, were only entitled to divide the inheritance of their respective fathers, the brothers of the deceased duke. A few generations of similar descents and divisions would have partitioned out the inheritance of Agilolf, or the *sors* supposed to have been allotted to him at the original division of Bavaria, amongst a number of descendants, yet not an acre would have been alienated from the blood without the consent of the heirs, and the whole would have been held, in some way or another, under the heir-in-chief, the Duke. A similar principle governed the smallest inheritance, which seems to have been indivisible below a certain point, as well as the largest, and Bocland appears to have been in ordinary cases subject to a similar rule, in as far as it generally became an inheritance inalienable from the Mægborh, or family, though not necessarily divided in accordance with the strict rule of equality prescribed by ancient custom. The numerous *cyns*, the Bocingas, Hæstingas, Wocingas, and others, whose existence has been pointed out by Kemble, were the Adalings, or Gesithcundmen, who were located in the districts still retaining their names; districts that once represented the *sors*, *æthel*, or *patria*, allotted to their ancestors at the original distribution of the land; and within the limits of their *æthel* they enjoyed a right of occupation, like the Agilolfings, as members of the privileged community, as long as they were full-free and full-born, or of pure descent,—for the son of a freeman and a woman who was not of free descent had no claim, by ancient custom, upon the inheritance of the father. If not provided for during the lifetime of the father, he was left at the mercy of his brothers of the pure blood, and was a "Dearfende folclic man," without any right of property in the ancestral district. Birthright, in Beda's age, seems to have been still identified, as far as land was concerned, with the hereditary right of occupation; and in the reign of Ethelred, nearly three centuries later, the expression "patrimonium" would appear to have been still applied in the higher ranks of society to a very similar right. Æthelwine, Ealdorman of East Anglia, and his brothers, claimed the forty hides at Hatfield, on the ground that their father, Ealdorman Athelstan, had received them in exchange for his "patrimony" in Devonshire, a proceeding that could have hardly been carried out if the patrimony had been an inheritance in Bocland. It was the læn rather, or benefice, to which Athelstan was entitled as his birthright in his native province, through his connexion with the king.[1] The recipient of such a benefice would have held it in

[1] *Hist. Ram.* 3; *Hist. Ely*, i. 5. The family of Athelstan, who, as a kinsman of the

absolute ownership for his life, free from all the claims of his blood relations, who, in a certain early stage of society, would have been entitled to a similar læn; but as soon as the benefice began to be transmitted as a property, or in allod, the inheritor of such a property would have held it in parage, as heir-in-chief, subject to the claims of his peers in the Mægborh. The principle of the benefice was transmitted in the strict military tenure of the English Common Law, in which the actual fief was possessed or inherited by one man alone, and, after the establishment of the principle of entail by Edward I. in 1285, was entailed upon the eldest son.[1] The allodial principle, on the other hand, was a relic of the early system under which the birthright, as far as land was concerned, was represented by a general right of occupying a portion of land, corresponding with the position of the recipient. As soon as the actual land passed to the heirs, it passed by the ordinary usage of the age, and tenure in parage arose. By custom, or by Boc, the land was entailed on the heirs of the blood, holding under the heir-in-chief, the enactment laid down in Alfred's Laws, on the subject of inherited Bocland, pointing to the recognition of the principle of entail before the Conquest.

The division of the inheritance and the choice of the heir seem to have been left, up to a certain point, to the discretion of the parents in

king, seems to have been entitled to a læn in his native district, complained that Edgar had deprived them both of the "patrimony" and of the land at Hatfield received in exchange for it. The King may have thought that the Ealderdom of East-Anglia was enough for the family, and resumed the Læn-lands. Such struggles were continually going on, as long as the principle of hereditary property in land was unsettled. The greater nobles attempted to convert their benefices into allodial holdings, and where the power of the king was strong, as in England, he resisted; where it was weak, as in France, he succumbed.

[1] "Tenant in fee taile est per force de la Statute de West, 2, c. 1. Car devant le dit Statute tous enheritances fueront fee simple," Coke's *Institutes*, L. i. sec. 13. The Statute was passed in consequence of "divers of the realm being disinherited." The earlier custom, therefore, that Bocland should pass according to the will of the first recipient of the grant—the principle of entail—must have been abrogated by the Conquest. The property of the man who died intestate was divided, by the Conqueror's Laws, amongst the heirs; the military fief, when Glanville wrote, passed to the eldest son alone. According to the *Dialogus de Scaccario*, hereditary right in land was abrogated by the Conqueror for political reasons; but it may be a question if he did not merely introduce the custom of the Scandinavian kingdoms; for in the fifteenth century it was still a principle of Danish law that "jus aut consuetudinem *Romani feudi* Dania non agnoscit." In the year before the Conquest the Anglo-Danes claimed the right of living by "the Laws of Canute" (*Chron. Sax.* 1065), and the classes connected with the land in this quarter were represented by the King's-thegn or Liberalis, the Land-agende man or Homo *allodium habens*, and the Cyrl or Villanus. Of the two first classes the tenants *in capite* were evidently beneficiary, whilst the Land-agende men were, in a certain sense, *alodiarii*; and William is supposed to have wished to introduce the customs of the Danelage into the rest of England, from their similarity to those of Normandy. Compare *Scotland under her Early Kings*, vol. ii. pp. 324, 461.

the time of Benedict Biscop, though the preference was usually accorded to the eldest born. The power of choosing an heir, who was usually the eldest born, seems to be alluded to in the passage in which Tacitus notices that, amongst the Usipites, the horse and arms were bequeathed to the most warlike of the sons, not, as elsewhere, to the eldest. It was in accordance with this ancient custom that Otho I. was presented to the Germans assembled at Aix, as the "heres designatus" of his father Henry, and the usage of designating a successor continued more or less in force until a much later period. It is still a source of troubles innumerable in Affghanistan; whilst according to the principle of succession in the Turkish Empire, a principle once widely prevalent in many other quarters, upon the death of a Sultan, the eldest living member of the family succeeds. When a man received a benefice from the State, or Sovereign, in absolute possession, he became the representative of the State or Sovereign, for the time being, within the limits of the property thus assigned to him,—he became its lord. When the London thief was hanged, a portion of his property was divided between the king and "the fellowship;" but if the property was in Bocland, the king's portion passed to the owner of the Bocland, the lord, who was thus the representative of the king. The various privileges, conveyed by a grant of Bocland were carefully enumerated in many of the charters of the early Norman period, for they appear to have passed as a matter of course before that time, and to have corresponded still more closely with the full prerogative of the sovereign. It is laid down in Edgar's Laws, for instance, that "if any Geneat man neglect his lord's tribute . . . and be obdurate, and think to resist it . . . the lord's anger will so greatly increase, that he will neither grant him property *nor life*." The lord had the power of life and death over the cultivating classes attached to the soil, until the "Pleas of the Crown" were withdrawn from the jurisdiction of the lesser Courts. The smallest subdivision of a rural district was represented by the Tything, with which the ordinary large vill of early days seems to have originally corresponded; and he who was in the possession of a large vill, or Tything (the appanage of a Twelfhyndman in early days), would have been entitled to hold a court equivalent to a Tything-court, in which his Tungreve or bailiff would have occupied the position of the Decanus or Tythingman. The lord of a lesser shire, which would have been known in later days as a Barony (the appanage of an Eorl), would have been entitled to possess the equivalent of a Shire-court; and after the institution of the Hundred-court, whenever a Hundred was made over to "a lord," the court of the latter would have been placed on a similar footing.

Hence, according to the "Laws of King Henry," every county was subdivided into Hundreds and Gesith-socns (Sithessocna); the lords of the latter exercising the prerogatives of the State, up to a certain point, within the limits of their properties, and presiding, either in person or by deputy, in the courts which developed in course of time into the Court Leet, the Court Baron, and the Customary Court of the Manor. But as the State could only make over to its representative the privileges it actually possessed, the freeholders, if there were any within the Gesith-socn, would have been only liable to the overlord to the extent of their rent, or their free-service; nor could the cultivating class attached to the soil, whether full-free or only partially free, be driven from the district in which they had acquired "in-born," or native, right, as long as they rendered the base-service due from them. The freehold properties were dependencies of the Gesith-socn rather than integral portions of it, appearing in Domesday as "Maneria," or as Berewics; but the actual property of the lord was divided into Inland and Utland, the former answering to the Demesne of later days, and retained in the lord's own hands. The Utland represented the *ge-set* land, or land let out and cultivated in common by the Geneats, or Villani, dwelling in the Ham, or village home. Each of the occupiers of one of the messuages in the Ham, as a Husbandman, or *Heorth-fest* (a householder), either singly or with his fellow shareholders in the messuage, would have possessed a right of depasturing a limited amount of stock upon the common waste, with certain other definite and limited privileges, in addition to a share in the common arable. All that would have belonged to the sovereign of the State, as long as the land remained the public property of the State, or Folcland, would have passed to the representative of the State, and would have been known in later days as "manorial rights."[1]

In the preceding pages I have endeavoured, though very imperfectly, to point out a few of the leading features characterizing various early

[1] Such I believe to have been the origin of the "lord of the manor" and his privileges, and he seems to have been the representative of the proprietor "with his *socn*" of an earlier generation. Where the privilege of *socn* was not possessed the proprietor attended the court of a *Gerefa*. In the theory tracing the rise of manorial privileges to "encroachments" on the village community I cannot acquiesce. The very existence of such a community in a state of isolated independence seems more than doubtful, and if it formed an unit in some great confederacy, "the State," from the very first, would have claimed certain rights, which would have been exercised by its representative, and passed in course of time, by permission of the State, to some hereditary representative. Even amongst the Old Saxons in the seventh century the vill was under a villicus (tungerefa) who in turn was under a Satrapa (Eorldorman), who took upon himself to put to death the whole of the "village community" (tunscipe), and burn their *tun* (Beda, *H. E.* v. 10). The community thus treated were *Læts*, surely, and not Adalings.

stages of society in their relationship towards land, from which it may be gathered, that many of the differences between the systems of the past and of the present arose out of the preponderance of the *Mœg*, or kin, over the individual. Individual right, in the sense in which it is now understood, can scarcely be said to have been recognised as long as the individual was merged in the kin, and the family embraced a number of members, whom it is no longer customary to include within its limits. So far, indeed, does the principle of joint-participation appear to have been carried, in the case of some of the communities with which the Romans were brought into contact, that, within a certain degree of relationship, wives and children were possessed in common; and though a community of wives does not appear to have ever been a feature of the Teutonic scheme of polity, one of the most prevalent of the abuses to which the Christian clergy endeavoured to put a stop, amongst their Germanic converts, was marriage with the widow of a father or a brother. The desire of preventing the joint-property from passing beyond the limits of the *Mœg*, would appear to have been the inducement to marriages of this description—the principle on which the daughters of Zelophehad were married to their cousins, "so that the inheritance of the children of Israel should not remove from tribe to tribe." As long as the individual was ignored, as it were, and land was allotted out in districts amongst the *Mœgs* of a community, enfranchisement must have been all but unattainable by the servile classes, amongst whom were originally numbered the children of the freeman and the bondwoman. Hence the Canon of the early English Church, "Let the full-born wed with the full-born—ingenuus cum ingenua." None but the full-born Frison, who was a native of the district, could aspire to a *theel* in the Theel-land; and long after the earlier system had passed away, "the stranger" could not acquire any permanent rights in a district, or in a burgh, until after the lapse of a year and a day; as any well-founded objection raised against him during the interval, by a member of the community he wished to join, would have prevented him from participating in its privileges. Gaps made in the ranks of a community, in early days, by a disastrous war, may have occasionally been filled up by enfranchising serfs; but during a lengthened peace, in a comparatively settled state of society, there would have been literally no room for enfranchisement. Where a district, of which the proprietary right was vested in a community (a Folcland), was portioned out amongst a number of *Mœgs*, the head of any one of them could not set a slave at liberty and provide for him at the expense of the rest; he

could not plant his freedman on the land, or give him the right of sharing in the district, and thus diminish the amount of land to be distributed amongst the full-born freemen of the community. A similar difficulty beset the religious community of a certain period, as, according to a Canon of Isidore, it was "unlawful for an abbot or a monk to set a slave at liberty, as it is impious that he who has contributed nothing to the property of the Church should do her harm." Hence the free community of Western Europe in its purest form—when the line drawn between the Adaling and the Læt was all but impassable, and the Friling, if he existed, was "sub tutela domini," or a client—must have resembled, in many points, the Roman Commonwealth in that early age in which the Patrician alone was a member of the Populus Romanus. The freedom, in either case, was confined to the privileged class alone. After the introduction of the principle that lay at the base of the feudal system—that of free service—a free military class arose in connexion with the land; and, after the principle of private property in land was acknowledged, it became possible for the individual to enfranchise his slave and provide for him, or for his kinsman who was not full-born, who no longer necessarily sunk to the position of the Læt. Hence arose the various classes which, whilst partially free, were irremoveable from the district in which they were planted, and with whose condition under the later feudal system we are most familiar—classes that are too often confounded with the Adalings of the free community, and supposed to have been deprived of their freedom and overwhelmed with oppressive and illegal burdens by a military aristocracy. The oppressions and the burdens undoubtedly existed, but scarcely as illegal novelties, for they were relics of an age in which the cultivation of the soil was mainly carried out by a servile class, "chattels," without rights in the eyes of their masters, the full-born members of the free community. The Adaling was in existence before the Friling, and the nobles of the mediæval period, as a class distinguished from the simple freemen, rose out, as it were, from the ranks of the Adalings. They did not exist as a separate class amongst the Community, and force down the Frilings into servitude.

Long after the acknowledgment of the principle of private property in land, the joint-participation attaching to the earlier system of the community remained in force; and land, as soon as it became *yrfe-land* or bequeathable, continued to be divisible, like the rest of the *yrfe* or inheritance, amongst the full-born members of the family, which was still looked upon in the light of a small community, and governed

according to its rules. Hence arose the tenure in Parage, by which the whole of the original property, however it may have been divided in course of time, continued to be held under the heir-in-chief by the members of the family, none of whom could part with their portion of the inheritance without the permission of the rest. The tenant in Gavelkind, for instance, who succeeded to "the hearth and forty feet around it," could not have sold his portion of the house until he had bought off the claims of the joint-heirs upon the remainder; when, as proprietor of the whole, he could have parted with it to a stranger. The introduction of the principle of primogeniture, vesting the landed inheritance in the eldest son, may be traced in England to the influence of the Boc, by which the whole of the Bocland was entailed according to the will of the original proprietor; and as it may be gathered from the words of Benedict Biscop, that a preference was usually given amongst the Angles to the eldest-born, it is natural to suppose that Bocland, as a rule, was entailed upon him. Wherever the system of Parage remained in force, the duties as well as the privileges of the heir-in-chief devolved upon him as a portion of his "birthright," and he was bound to provide for the members of the Mæg in such a manner that the inheritance of the family should not pass beyond its limits. But wherever the principles of Feudalism prevailed over those of Allodialism, and the influence of the Mæg declined, the military fief, committed to a single holder, after it exchanged the character of a Læn or life-benefice for that of an inheritance, became the absolute property of the eldest son. Changes of this description, however, were gradual, and their growth is often traceable in the codes and legal treatises of different eras. They were seldom introduced at once, or enforced by conquest upon a reluctant and unwilling people. Nor did they extend below the members of a certain class, and whilst the lord of the vill held his land by military or by frank tenure, and exercised within its limits more or less of the prerogatives originally belonging to the State, the "custom" regulating the cultivating classes was seldom disturbed, and wherever they represented a joint-occupying class, more or less hereditary, they continued to be governed by many of the usages of the community.

STANDARDS OF THE PAST IN WEIGHT AND CURRENCY.

PART THE FIRST.

I.

The Roman and Byzantine Pounds.

The Roman measures of capacity were based upon the same principle as our present standard, for as an English imperial bushel contains 60 lbs. of average wheat, or 80 lbs. liquid measure, so a Roman amphora of three modii held 60 Roman lbs. of average wheat, or 80 lbs. of wine. Grain measure, however, rather than liquid, wheat bound to weigh not less than 20 lbs. to the modius, lay at the base of the Roman system as it used to form the ground-work of our own; for every weight mentioned in our old Statutes was founded upon the sterling penny, estimated at 32 grains of average wheat. That this was actually the case amongst the Romans may be gathered from the poem ascribed to Rhemnius Fannius, or Priscian, in which a weight of 10 drachmæ is given to the cyathus, and consequently 120 drachmæ, or 15 oz., to the sextarius, 20 lbs. to the modius, and 60 lbs. to the amphora; the allowances to be made in adapting dry measure to wine, oil, or honey, being briefly alluded to towards the end of the poem. As the Roman amphora in the reign of Vespasian contained 80 lbs. of wine, or a talent of Attic silver-weight, it is evident that the mina of Attic silver-weight and the Roman pound must, like liquid and dry measure, have stood in the proportion of *four* and *three*. Hence a Roman pound of 12 oz. would have weighed 75 drachmæ, or (75 × 67·5 =) 5062·5 gr. tr., and 16 Roman oz. would have weighed an Attic mina—a remark in the poem already quoted, "The Attic pound is less than the Roman, weighing 75 drachmæ," showing that some such adaptation of the Attic to the Roman system correspond-

ing with the "mina of 84 denarii," to which Pliny alludes, must have once been actually made. Shrinking with the diminution of the drachma this Attic pound must have fallen below the original standard, always remaining at a *fourth* less than a full mina of 100 drachmæ.[1]

When four Roman oz. were equal in weight to 25 Attic drachmæ, or to 28 denarii, the subdivisions of the Roman standard could not have corresponded with those of Attic silver-weight, and though the drachma and the Roman coin were subsequently identical, neither the scruple nor the sesterce corresponded with the Attic obolus. But Greek and Roman weight were thoroughly identified, obolus and gramme, sextula and drachma, were each and all in relative proportion to the other, when Rhemnius Fannius wrote that "100 drachmæ go to the weight called by the Greeks *mna*, and by our forefathers *mina*. Take away *four* drachmæ and you have *our pound;* deduct a fourth, and you have the Attic *mna*." In consequence of this adaptation of the Roman to the Greek, or Attic, standard, which may apparently be regarded as one of the results of the removal of the seat of government from Rome to Constantinople, the later Roman or Byzantine pound fell short of the earlier standard by 4 Byzantine drachmæ, or half an ounce. Hence the remark of Symmachus, that the standards of the city of Rome, *urbana pondera*, were heavier than those in ordinary use. Hence the notice in Priscian that "the great talent," or Attic silver-weight, was equal to 83 lbs. 4 oz.; so that 80 lbs. of the later standard must have fallen short of 80 lbs. of the earlier standard by 40 oz., each pound therefore weighing 4 drachmæ, or half an ounce, less. The weight to which Rhemnius Fannius gives the name of Greek mna was the true representative of the old Roman pound divided into 100 drachmæ, of which 96 made a Byzantine pound, thus giving to the latter $\left(\frac{5062{\cdot}5 \times 96}{100} \text{ or}\right)$ 4860 gr. tr., and that this was the actual weight of the later Roman or Byzantine pound can easily be shown.[2]

The Sextula of the Byzantine ounce was identical in weight with the Solidus aureus of Constantinople, which, as the *Hyperpyrus* of 72 to the

[1] *Carm. de Pond.* This is often attributed to Priscian, but it does not agree in all its statements with his treatise on Weights and Measures. According to the poem, and the chapters at the close of Galen's Works, a Roman sextarius of average wheat weighed 15 oz., of oil 18 oz., of wine 20 oz., and of honey 30 oz. The authorities on which I rely, when not expressly quoted, are the very excellent "Dictionaries" of Antiquities and of the Bible.

[2] "Urbanis ponderibus . . . id est trutinæ largioris examine," are the words of Symmachus. The passage in Priscian (*de Pond.* p. 850, edit. Basle, 1545) is as follows:—"Libra vel mina Attica, drachmæ 80; libra vel mina graia, drachmæ 96; talentum Atheniense parvum, minæ 60; magnum, minæ 83 et unciæ 4 . . . et sciendum quod, secundum Livii computationem, 100 minæ Atticæ, quarum singulæ 75 drachmas habent, faciunt talentum magnum. Nam minas habet 60 secundum Dardanum . . . Italica mina drachmas habet . . . 96, quod est libra 12 unciarum, id est denarii 72. Hac igitur computatione 83 libræ Romanæ et 4 unciæ, quod est magnum talentum, 100 minas Atticas faciunt." The *denarius* of Priscian is evidently the *aureus denarius* of his days, the Byzantine solidus of 72 to the lb. His last calculation is perfectly correct, for 8000 drachmæ, at the Byzantine standard of 50·625 gr. tr., would give a talent of 405,000 grains, equal to 80 lbs. Roman weight, or 83 lbs. 4 oz. Byzantine weight.

pound, was, for a thousand years, an almost universal standard of gold weight, and even yet continues to exercise a theoretical influence in every mint and goldsmith's shop in Europe. "Twenty-four carats fine" is the expression still applied to gold of the finest quality, meaning originally that every *Keration* in the twenty-four that made up the weight of the standard coin of Constantinople was of the purest gold, unmixed with alloy. The coinage of Constantinople passed, almost exclusively, for nearly four centuries, over the greater part of the Eastern world, which, after giving her standards to the West, received one back again from the same quarter—the names of *Dinar*, *Dirhem*, and *Fels*, applied to the coins which first began to be issued under the early Khalifs about the opening of the seventh century, telling of the universal prevalence of the later Roman currency. In Turkey, Syria, Egypt, Barbary, and Arabia, the *Dirhem*, as a standard of weight, continues at the present day to be divided into 16 *killos*, or carats, and 64 grains, giving 24 carats and 96 grains to the *mithcal*, which thus represents, in theory, the aureus solidus of Constantinople, weighing 24 keratia. To this Byzantine keration, Oribasius, the contemporary of Julian, gives a weight of 4 *sitaria*, or wheat-corns, wheat averaging 20 lbs. to the modius, being evidently at the basis of Byzantine weight, as well as of the ordinary measures of capacity. Thus the *sitarion* of Oribasius is identified with our own original unit of weight—the wheat-corn of $\frac{22{\cdot}5}{32}$, or ·703125 gr. tr., and the solidus, or standard gold coin of 96 wheat-corns, must have weighed *three* sterling pence, or 67·5 gr. tr., a drachma of Attic silver-weight. "A bezant of pure gold, weighing not less than *three pence*"—such is the standard laid down in an old document of the ninth century, quoted by Ducange, for the coin of Constantinople, agreeing exactly with the entry in the Sachsenspiegel, "twelve gold pence, each of which shall weigh *three* penny-weights of silvers," and the coin passed into Germany as a gold weight under the name of the *gold schilling* of 80 to the pound, or $\left(\frac{5400}{80}=\right)$ 67·5 gr. tr.; for the old standard of the mint in Germany, *Agrippaniske*, or Cologne, weight, was identical with the English sterling standard. Thus 24 grains of wheat went to the gramme, or Byzantine scruple, 72 to the drachma, and 576 to the ounce, just as in the case of the denier, gros, and ounce of the old Paris standard, or marc de Troyes, which was an offshoot from the Byzantine pound, but with an ounce weighing *seven* instead of *six* solidi. This would give a weight of 405 gr. tr. to the ounce, and 4860 gr. tr. to the pound of Byzantium, which, by the addition of half an ounce—four drachmæ, or 202·5 gr. tr.—is raised to 5062·5 gr. tr., the original weight of the true Roman pound, containing seventy-*five* solidi, or drachmæ of Attic silver-weight, instead of seventy-*two*. Multiply these pounds respectively by 80 and 83⅓, and the result in each case will give 405,000 gr. tr.; the talent of Attic silver-weight thus confirming the passages in Livy and Priscian, and attesting

the singular accuracy with which the standard of Alexander, the old *mint-weight* of Athens, has been estimated from the coins.[1]

II.

Talents of the Classical Era.

When the younger Cyrus, a Persian prince, and in a Persian province, promised the soothsayer "three thousand Darics," and, upon the fulfilment of the prophecy, paid him with "ten talents," it is only natural to suppose that he carried out his engagement in Persian currency. Hence 300 Darics were equal in value to a Persian talent of silver, 5 Darics to a mina, and a Daric would have passed for 20 Persian sigli. The siglos, according to Xenophon, was equal in value to seven and a half Attic oboli, or in the proportion of *five* to *four* to the Attic drachma, each at this time weighing respectively 84·375 gr. tr., and 67·5 gr. tr., at the full standard. Thus, a gold Daric would have been worth 20 Persian sigli, or 25 Attic drachmæ, or four Roman oz., and at the proportion of 13 to 1, the ratio of gold to silver in the reign of Darius, according to the authority of Herodotus, the standard of the gold coin will be found to have been $\left(\frac{1687{\cdot}5}{13}\right.$ or $\left.\right)$ about 129·8 gr. tr. *Five* Darics would have passed for a Persian mina of ($5 \times 1687{\cdot}5 =$) 8437·5 grains, or 20 Roman oz., giving a talent of 506,250 grains, or 100 lbs.; *four* for an Attic mina of ($4 \times 1687{\cdot}5 =$) 6750 grains, or 16 oz., with a talent of 405,000 grains, or 80 lbs. *Three* Darics, or a Sicilian gold talent, before the earlier coin was superseded by the gold stater of the Macedonian kings, would have been equal in value to ($3 \times 1687{\cdot}5 =$) 5062·5 grains, or the Roman pound. Thus the Roman pound, and the Attic and Persian current minæ, would have been at this time in the proportion respectively of *three, four*, and *five*.[2]

[1] Ducange, *in voc.* Κερατιον, *Byzantinus; Sachsenspiegel*, Bk. iii. Art. 65; *Ersch und Gruber, Pfund.* The historian of Ely also uses the expressions "centum aurei," and "C. *tripondiis* auri," for the same sum of money (*Hist. El.* vi. vii.), evidently regarding the aureus as "a weight of *three*," *i.e.*, of three pence. The aureus, or gold mancus, of his days, was not necessarily a coin of Constantinople; but a solidus, or bit of bullion, of the same weight as the bezant—a *tripondium* weighing three pence of the Carlovingian, or sterling standard.

[2] Xenoph. *Anab.* i. 5, 7; *Herod.* iii. 95, iv. 166. Some very erroneous conclusions have been drawn from overlooking the apparently self-evident fact that a sum of money promised by a Persian prince, in a Persian province, and in Persian currency, must have been paid in Persian, and not in Attic talents; in sigli, and not in drachmæ. That a Daric, worth twenty sigli, should have only passed for twenty drachmæ, seems as strange as a sovereign worth twenty shillings passing for only twenty francs; yet are we taught to believe that such was the case, though Harpocration seems to be the earliest authority for the statement. He remarks that the Daric "was of the same value as the coin the Athenians call *Chrysous*, some adding that

Aristotle identified the Chalcos of his own time, *eight* of which passed for an Attic obolus, with the Sicilian uncia, of which *twelve*, an As or pound of copper, passed for a silver litra, which was thus half as large again as the obolus of Attic silver-weight. Of these oboli, a Roman pound would have contained (6×75, or) 450, and consequently 300 litræ, so that the proportion between silver and copper in Greece and Sicily, about the time of the conquests of Alexander, may be reckoned at 300 to 1. The litra, which also figures in the Sicilian gold talent as the noummos of *three* hemioboli, or an obolus and a half Attic weight, was the Æginetan obolus according to Aristotle; so that in his days the Æginetan talent must have weighed half as much again as the Attic silver talent, 607,500 gr. tr., or 120 Roman lbs., and was thus retained in the Roman system of weight as the ordinary medimnus of six modii, each calculated at 20 lbs. of average wheat. In other words, the Roman and Sicilian systems of weight and currency were originally identical. Ten Æginetan oboli made the Decalitron or Corinthian stater, giving it a weight of 168·75 gr. tr., or two Persian sigli, and thus identifying the standard silver coin of Corinth, in the days of Aristotle, with the stater of the Persian silver talent, ten of which passed for the Persian Daric.[1]

Appended to the works of Galen are certain chapters on weights and measures, not written by the great physician, who could never have quoted Oribasius, the contemporary of Julian, as an authority, but apparently collected from various sources, and added by some later hand.

it was worth 20 drachmæ, *because* 5 Darics passed for a mina." The mistake is palpable, and easily rectified. He has substituted an Attic for a Persian silver mina. Indeed, the very existence of a Persian silver talent seems to have been forgotten.

[1] *Pollux*, ix. 6, iv. 24. He confirms the identification of the Æginetan talent with the medimnus of 120 lbs. by his remark that the drachma of Ægina, known as δραχμη παχεια, passed for 10 Attic oboli, the talent thus containing 10,000 Attic drachmæ. As long as the Æginetan and Attic oboli were in the proportion of *three* and *two*, an Æginetan drachma would have passed for *nine*, not *ten* Attic oboli. But as Pollux is not in this instance quoting Aristotle, he is reckoning by the standard of his own age, the standard of Varro, Celsus, and Pliny, who, identifying the Attic drachma with the Roman denarius, estimate the obolus at a *tenth* less than the obolus of Attic silver-weight or ($11{\cdot}25 - 1{\cdot}125 =$) 10·125 gr. tr., which gives an Æginetan drachma of *ten* oboli, or 101·25 grains, and a talent of 607,500 grains, or 120 lbs. So Aulus Gellius, who may be looked upon as a contemporary of Julius Pollux, gives the price of Bucephalus, who is supposed to have cost 13 talents, at 320 *sestertia* (v. 2); estimates three Attic talents of the time of Aristotle at 72,000 H.S. (iii. 17); and renders μυριαι δραχμαι of the date of Demosthenes by 10,000 denarii (i. 8), in each case identifying the Attic drachma with the Roman denarius. Again, the Attic drachma of a later period represents a totally different standard; for when Suidas gives only *six* chalci to the "obolus of the Athenians," he is alluding to the Byzantine obolus, *three-fourths* of the earlier Attic, *half* of the old Æginetan, standard, Priscian and his contemporaries using the Byzantine drachma in their calculations. Care must be also taken to avoid confusion between the later currency of Corinth and Sicily, after it was adapted to the standard of Alexander, or Attic silver-weight, and the earlier currency to which Varro alludes as the parent of the early Roman coinage, and which was familiar to Aristotle when he wrote, in his treatise upon Agrigentum, "The litra is worth an Æginetan obolus, and the Corinthian stater is called Decalitron, because it is worth 10 oboli." Nor must the early currency of Ægina be confounded with the drachma of a heavier type to which Pollux alludes, which must have been current at a time when the Attic talent no longer reached the full standard of Attic silver-weight.

In some of these chapters the Roman or Italian mina is estimated at 20 oz., the Attic, also called the Egyptian mina, at 16 oz., and the Roman pound at 12 oz., or in the proportion of *five*, *four*, and *three*, each representing respectively the Persian, earlier Attic, and Roman standards. The artaba, an old Persian corn-measure, is reckoned at *five* modii, 100 Roman lbs., or a Persian silver talent. It was the half of a medimnus, which consequently would have contained 200 Roman lbs., or a double Persian silver talent, of average wheat. One of the duties of the farm-bailiff, according to Columella, was to see to the proper condition of the *Decemmodiæ* and *Trimodiæ*, measures of *ten* and *three* modii, or 200 lbs. and 60 lbs. respectively. The larger measure, or Decemmodia of 200 lbs., was thus identical with a large medimnus, or double artaba of the old Persian standard; the smaller, or Trimodia, of 60 lbs., was an amphora or half-medimnus of the Sicilian standard, answering to the half of an Æginetan talent.[1]

In other chapters of the same appendix the Italian and Ptolemaic minæ are reckoned at 18 oz., and the Egyptian artaba, or the half of a Ptolemaic medimnus, is elsewhere estimated at *four and a half* modii. Thus the standard of both minæ and artaba must have either shrunk at some period a *tenth* in weight, representing Persian weight at a reduced standard, with a talent of 90 lbs., or they must have conformed to some other system represented by the Ptolemaic talent. This diminution or change in the standards of weight and capacity is very evident in the case of the artaba, which appears in the poem of Rhemnius Fannius as a measure of three modii and a third, or a third of a Roman decemmodia, having thus adapted itself in turn to the Persian, the Alexandrian, and the Roman systems; and it still exists in Egypt under the name of *ardeb*, having probably accommodated itself to various other standards since the Roman era.[2] As the Hebrew seah, the third of an ephah, was in the days of Josephus half as large again as the Roman modius, so that it would have contained 30 lbs. of average wheat, the ephah would

[1] *Galen* (Kühn), vol. xix. p. 751 *et seq.*; *Colum.* xii. 18.

[2] As the artaba adapted itself to the standard of the Roman decemmodia, so at a somewhat later period the modius seems to have adapted itself to the artaba, or, to speak more correctly, to its equivalent, or a trimodia that was a *third* of the larger measure. Gregory the Great, in one of his epistles (L. i. c. 42), inveighs against the custom of making the church-tenants pay by the *major modius*, and limits the standard of the Church to a measure of *eighteen* sextarii, a *ninth* instead of a *tenth* of the original decemmodia, giving the modius a standard of $\left(\frac{200 \text{ lbs.}}{9} = 22 \text{ lbs. } 2{\cdot}33 \text{ oz., or}\right)$ 22 lbs. of wheat instead of 20 lbs. According to Isidore (L. xvi. c. 25), who wrote about two generations later, the sextarius was a measure of 2 lbs., instead of 15 oz., and 22 sextarii, or 44 lbs., went to the modius, 5 modii, or 220 lbs., to the medimnus, which thus represented a decemmodia of the standard of Gregory, raised from 200 lbs. to 220 lbs., or from 10 to 11 Roman modii, by the adaptation of the Roman trimodia to the standard given by Rhemnius Fannius to the artaba. The true Roman modius was known to Isidore under a different name, for he describes the amphora as a *Pes Quadratus* of wine—the old standard—or *three Italian modii*. Thus disguised as the Italian modius, and the Italian mina, the standards of imperial Rome had dwindled into "urban," or local measures, and were fast passing into oblivion.

have answered to this talent of 90 lbs.; and the Jews would also appear to have conformed to the reduced or changed standard of the East. Plato, in the *Hipparchus*, makes Socrates inquire of his companion if a man gained or lost by exchanging gold for twice its weight in silver. "He loses largely," is the prompt reply; "for he only gets twice instead of *twelve times* the amount of his gold." Gold, therefore, must have fallen in value since the establishment of the Persian standard of proportion in the days of the first Darius; and as this reduction was familiarly known in Greece about the middle of the fourth century before the Christian era, its effects must have been felt in the East rather before that time, probably contributing to produce the changes in question.[1]

The Hebrew minæ, according to Josephus, weighed 30 Roman oz., or 720 scruples; in other words, 100 gold coins, or Darics, of the standard of the Roman aureus of 40 to the lb., weighing 7·2 scruples—50 double Darics, or gold *tetradrachma*. The Hebrew system of weight, however, differed from that of the Persian empire, 100 minæ or 10,000 coins going to the talent, instead of 60 minæ, or 3000 Darics, according to the Persian custom. Hence, assuming the identity of the coin, a Hebrew mina would have weighed *two* Persian minæ, and 30 Hebrew minæ, or 75 lbs., would represent the weight of a Persian gold talent at this standard. According to the Persian system of reckoning ten talents of silver to a gold talent, a silver talent of 90 lbs., with the proportion at 12 to 1, would imply the existence of a gold talent of $\left(\frac{900}{12}\text{ or}\right)$ exactly 75 lbs., and thus the reduction in the earlier standards would appear to be accounted for by the fall in the value of gold. Alexander, in accordance with a policy that dictated the suppression of every reminiscence of the previous supremacy of the Persian kings, superseded their coinage by his own, introducing the Attic silver talent as the standard of currency throughout his empire; and to this standard East and West for a considerable time very generally conformed, though it failed to supplant the national coinage in Asia Minor and in Syria, as well as in some other quarters. But with the ordinary measures of capacity and commercial weight the novel standard would scarcely have interfered, and accordingly the earlier system at the reduced standard would appear to have been perpetuated, its

[1] Joseph. *Ant.* ix. 4. 5; Plato, *Hip.* (Bekker, vol. iii. p. 40). Josephus reckons the seah at a modius and a half, the ephah at 72 sextarii. Wherever a gold stater passed for 10 silver staters, a gold talent must have been worth 10 silver talents; but the proportion between the two metals cannot be determined without ascertaining the weight of the respective coins. Hence, when it is found from a comparison between two passages in Menander (*Pollux*, ix. 6), that a gold talent was worth 10 silver talents, and when the Romans allowed the Ætolians to pay a third of their fine in gold, at the rate of a mina for 10 silver minæ (*Polyb.* xxii.), or an *aureus* for 10 *argentei* according to Livy (xxxviii. 9, 11), the proportion between gold and silver can no more be ascertained from the passages in question than it can be calculated at the present time from the fact that both in France and England an *aureus* passes for 20 *argentei*. Yet on the strength of the three passages quoted above, it has been very generally assumed that the proportion between gold and silver fell suddenly to 10 to 1.

origin perhaps as much forgotten as the very existence of a Persian silver talent; for it seems to have very generally acquired the name of Attic—or *Greek*—weight in many parts of the East, perhaps from representing the ordinary standard in the Greek kingdoms of Egypt and Western Asia. In a similar manner the Hebrew mina would appear to have perpetuated the later standard of gold weight in the East, which long remained unchanged, as, from the Alexandrian era, silver seems to have replaced gold as the regulating standard of the currency, gold passing in bullion quite as often, if not more frequently, than in coins.[1]

A similar influence seems to have been felt in the West, but apparently at a later period. Varro reckoned the Egyptian talent at 80 lbs., the Attic at 6000 denarii, for the true Romans always appear to have regarded this talent of 80 lbs. as an Eastern standard rather than as Attic weight—as the standard of Egypt, or, more correctly perhaps, of Alexandria. When Celsus, dividing the denarius into sixths, identifies each sixth with the Attic obolus; when Pliny, giving *ten* instead of *eight* chalci to the Attic obolus, also identifies it with the sixth of the silver denarius; they are not alluding to the Attic silver-weight familiar to Xenophon and Aristotle, but to Varro's Attic talent of 6000 denarii, weighing (71 lbs. 5 oz. 1 den. or) a little under 72 lbs. Upon the final ratification of peace between Antiochus and the Romans, the king bound himself in a second treaty, according to Polybius, to carry out the remainder of his engagement by twelve annual payments of 1000 talents of the finest Attic silver, each talent to weigh not less than 80 lbs. Livy, in his version of the treaty, uses the expressions:—"Attic talents of fine silver, the talent not to weigh less than 80 lbs.," as if more than one standard of Attic weight was in existence at that time; for he invariably reckons the Attic, or Greek, talent of that era in denarii, a name he never applies to the Roman coinage of the same period. Thus, whilst in his version of the treaty with Antiochus he alludes to an Attic talent of 80 lbs. for weighing silver bullion, he invariably calculates the talent of coined money, or the standard of currency, in denarii, identifying it with the Attic talent of Varro, Celsus, and Pliny. "Two talents, or 144 lbs.," are the words of Plautus, quoted by Isidore, which would give a weight of 72 lbs., or 6048 denarii, to the talent with which Plautus seems to have been familiar, and which may be identified apparently with the Attic standard of currency about the time of the Second Punic War. The accuracy of this quotation from Plautus seems to be completely borne out by facts. Assuming the Hebrew mina to have represented the stan-

[1] Joseph. *Ant.* iii. 6. 7; xiv. 7. 1. For the various standards of Attic weight *vide* Note A. The system in force amongst the Hebrews is still very prevalent throughout the East; for the Indian *Lak* represents 100,000 rupees, and the Persian *Tomaun* 10,000 dinars. The name of the latter is derived, says Colonel Yule, from *Tuman*, meaning in the Mongol dialect "ten thousand." It is worthy of remark that the lesser subdivisions of the Roman measures of capacity, as they have descended to us, seem to have been based upon, or conformed to, gold-weight, the Sextarius of 15 oz. containing 50 aurei, or a Persian gold mina, at the reduced standard.

dard of gold-weight in the East at the proportion of 12 to 1, 720 scruples of gold would have passed for 8640 scruples of silver, and the hundredth part of the mina, a gold stater, or Daric, would have been worth 86·4 scruples of silver. Wherever such a coin, or a similar amount of gold, passed for 20 silver drachmæ, each of the latter would have weighed $\left(\frac{86{\cdot}4}{20}\text{ or}\right)$ 4·32 scruples, giving a talent of $\left(\frac{4{\cdot}32\times6000}{288}\text{ or}\right)$ 90 lbs.; wherever it passed for 25, each drachma would have weighed $\left(\frac{86{\cdot}4}{25}\text{ or}\right)$ 3·456 scruples, or 60·75 gr. tr., giving a talent of $\left(\frac{3{\cdot}456\times6000}{288}\text{ or}\right)$ 72 lbs.; exactly a *tenth* less than the earlier Attic silver talent of 80 lbs., just as the talent of 90 lbs. was a tenth less than the earlier Persian standard of Darius. As the mediæval gold florin, when adapted to the Cologne marc, shrunk infinitesimally below the normal standard, so the Roman denarius, coined at 7 instead of 6·92 to the ounce, weighed about half a grain less than its original type (3·43 scruples, or 60·268 gr. tr.), and to this standard the Attic drachma latterly conformed.[1]

All these talents may be recognised in the account of an anonymous Alexandrian, writing apparently in the Byzantine era, after every standard of weight had been adapted to the reduced Roman denarius, and when, as he says, the Italian mina was a stater, or *four* drachmæ, heavier than the Italian pound. In the "Talent of the Islands," half as large again as the Attic, the old Æginetan weight may be recognised, perhaps under its true name. The Rhodian standard, to which that of Ægina in the time of this writer conformed, was a *fourth* heavier than the Attic, or in the proportion of *five* to *four*, preserving the recollection of Persian weight at the reduced standard. In an inscription from Cibyra, dated in the second year of the reign of Vespasian, or about eight years before the death of Pliny, in whose days the correct standard of the denarius still remained at 84 to the lb., the half-drachma of Rhodes passed for 10 Asses, or five-eighths of a denarius, thus identifying the Rhodian drachma of that period with a siglos of the reduced Persian standard, which would have passed for 20 Asses, a denarius and a quarter, or in the proportion of *five* to *four*. The *cistophorus*, which passed at the same period for 40 Asses, or two Rhodian drachmæ, is thus connected with the didrachmon of the same talent as Rhodian weight, representing a double-siglos, or silver stater of Persia at the reduced standard. Rhodes, after the death of Alexander, drove out the Macedonian garrison, and, asserting her liberty, seems to have retained her original coinage upon the later type of the Persian empire in token of independence. The same may be said of Pergamus, and of the other cities of Asia Minor in which

[1] Plin. *Hist. Nat.* xxi. 19, xxxiii. 15, xxxv. 40; *Celsus*, v. 17. 1; *Polyb.* xxii. 26; *Livy*, xxxviii. 38; *Isid. Orig.* xvi. 24. Isidore notices three talents, "Minus L., Medium LXXII., Summum CXX." To the latter talent Vitruvius also alludes (x. 21) when he says that 4000 talents weighed 480,000 lbs.

the cistophorus, struck upon the same type, attests their retention of the right of a local coinage, which may be generally regarded as an expression of independence, where it is not conceded as a privilege. Trifling as such coincidences may appear at first sight, they are not without their use in estimating the accuracy of contemporary history.[1] To return to the Alexandrian authority: he identifies Tyrian with Attic weight, as was the case in the days of Josephus, who gives a value of four Attic drachmæ to the Tyrian stater of his epoch.[2] The talent of Antioch, or Syrian talent, as in the time of Pollux, was a *fourth* less than Attic weight, or in the proportion of *three* to *four*, which identifies the Syrian mina, at its original standard of 75 Attic drachmæ of full weight, with the Roman pound. Under the Flavian emperors at the time already referred to, the tetradrachmon of Antioch passed for *three* denarii, so that the Syrian mina of that period was a *fourth* less than the Attic, and a *tenth* less than the Roman pound.[3] This was apparently the standard as far back as the era of Antiochus the Great, for the tetradrachma, "containing a weight of about *three* denarii of silver," which contributed, with the cistophori, to fill the Roman treasury after the war with Antiochus, were coins of Antioch rather than of Attica, giving to the Syrian talent, about the time of the Second Punic War, a weight of $\left(\frac{345{\cdot}6 \text{ scr.} \times 3}{4} \times 60, \text{ or}\right)$ 54 Roman lbs., a *tenth* less than a talent of 60 Roman lbs. Thus, like the other standards of the East, the Syrian talent seems to have diminished a *tenth* in weight before the fall of the Persian empire, and was adopted, apparently, at the reduced standard, by the Seleucidæ for their national silver currency. It is curious to notice the gradual extension westward of the results of the fall in the value of gold, first felt throughout the East, reaching Greece apparently in the course of the third century before the Christian era, but never sufficiently influencing Rome so as to affect permanently her early standard of weight.[4]

[1] *Corp. Insc. Græc.* 4380, *a.* vol. iii. p. 1167, and note. *Δυναμει δε (το Αττικον ταλαντον) του Πτολεμαικου κατα το νομισμα τετραπλασιον, επιτριτον δε του Αντιοχου, τῳ δε Τυριῳ ισον. . . . . την Αἰγιναιαν και την Ῥοδιαν μναν της Πτολεμαικης εἰναι πενταπλασιον, ἑξαπλασιον δε την νησιωτικην οὑτω προσαγορευομενην.* Such is the substance of the quotation in Mommsen's *Roman Weights*, p. 30.

[2] Joseph. *D. B. J.* ii. 21. 2. Böckh quotes the Talmud as also identifying the standard of the currency in Judæa with the Tyrian.

[3] "The Attic drachma, though sensibly heavier than the denarius, was yet reckoned equal to it; the *tetradrachmon* of Antioch, weighing on an average 15 grammes of silver, was made equal to three Roman denarii, which only weigh about 12 grammes; the *cistophorus* of Asia Minor was according to the value of silver above 3, according to the legal tariff $= 2\frac{1}{2}$ *denarii;* the Rhodian half-*drachma* according to the value of silver $= \frac{3}{4}$, according to the legal tariff $= \frac{5}{8}$ of a *denarius*, and so on."—Mommsen's *Roman History* (Dickson), vol. iv. p. 554, note. If the Professor is correct, it must have been a profitable speculation to buy up these local coins, and sell them again as bullion, and they would have soon disappeared from circulation. But in his first remark he is at issue with every Roman authority of the time, and he seems in consequence to have over-estimated the weight of all the other coins. The Attic drachma and the Roman denarius had long been identical, and the legal tariff gives the correct value of the coins.

[4] *Livy*, xxxiv. 52. "Signati argenti, 84,000 fuere; Atticorum tetradrachma *vocant;* trium

Lowest upon the list, but not the least interesting, stands the weight to which the Alexandrian authority gives the name of the "Ptolemaic" talent, weighing a *fourth* of the Attic standard—the "Egyptian" talent of Pollux, and of the *Book of Cleopatra*, which had an obolus for the drachma. This obolus, at its original standard, would have weighed a *fourth* of the drachma of Attic silver-weight; in other words, it was the *Litra*, and thus the smallest of the Egyptian talents represented originally the full talent of Sicilian gold-weight, the standard of the earliest silver-coinage known to the Romans.

III.

THE ROMAN CURRENCY.

FOR upwards of fifty years after the death of Aristotle, the Roman currency continued to be struck in copper alone, until, shortly after the defeat of Pyrrhus, silver is said to have been coined about five years before the First Punic War. By subsequently reducing the weight of the As to 2 oz., the Romans are supposed to have cleared off the liabilities incurred during their earliest contest with Carthage, though hardly to the extent sometimes imagined. An Attic obolus which, in the time of Aristotle, passed for 8 oz. of copper, was worth 2 oz. when Polybius was writing; and as a Roman pound of silver passed for 56 lbs. of copper when the As was reduced to half an ounce, the actual rise in the value of copper in Italy during the whole of the intervening period $\left(\frac{300}{56} \text{ or about } 5{\cdot}4\right)$ was, in reality, not as great as its apparent rise on this occasion. Before the close of the same century, the weight of the As was again reduced, and for a similar reason, during the Second Punic War; and at the standard of an ounce it appears to have long remained.[1]

The silver coins of this period, generally known as Quadrigati and Bigati, seem to have followed the Italian type, and, to judge from the weight of some of the heavier specimens, which reach as high as 112·5 gr. tr., the Decalitron would appear to have been superseded by a

fere denariorum in singulis argenti *est* pondus." Commentators have found a stumbling-block in *trium*, but does not the mistake lie rather in *Atticorum*? Livy, using the present tense,—"they *are* called," "there *is* a weight,"—seems to be describing a coin of his own time. The *Attic* tetradrachmon was a coin of the past, but the tetradrachmon of *Antioch* was still current for *three* denarii when he was writing. Multitudes of these Syrian coins must have found their way into the Roman treasury at the time of the wars with Antiochus, and with the Asiatic Gauls, and may have been vaguely known as Attic, or Greek, tetradrachma.

[1] Plin. *H. N.* xxxix. 13.

Decobolus of the Attic type, a piece of 10 Attic oboli instead of 10 litræ.[1] A coin of this description, according to Pollux, the Æginetan drachma passing for 10 Attic oboli, was familiar to the Athenians as a δραχμη πατχεια, a name which, according to Hesychius, was given to every drachma passing for more than *six* Attic oboli; and the "nummus Quadrigatus" of the time of the Second Punic War seems to have belonged to the heavier type. Polybius, writing about sixty years later, gives to the Attic obolus a value of 2 Asses, so that the Æginetan drachma, or the Decobolus, would have passed in his days for 20 Asses; for *ten*, or as a denarius, before the reduction in the weight of the As at the commencement of the Second Punic War; after which time, a Pentobolus, or piece of 5 Attic oboli, would have represented the denarius. As the Attic drachma at this time weighed 3·456 scruples, a Decobolus would have weighed $\left(\frac{3\cdot456\times10}{6}\text{ or }\right)$ 5·76, a Pentobolus 2·88, thus representing respectively the hundredth part, or drachma, of a large Sicilian mina and of the Roman pound, 400 sesterces in each case being coined out of the mina, or pound, of silver. The ransom agreed upon between Hannibal and Fabius Maximus is reckoned by Polybius at 2½ Roman lbs., by Plutarch at 250 drachmæ, thus giving 100 Pentoboli to the lb.; and when Pliny calculates that, by passing the gold Scripula for 20 sesterces, a profit of 900 sesterces was gained, he must have based his calculation upon a denarius of this standard. He evidently assumes that a pound of gold which, at 12 to 1, the ordinary proportion of the age, was worth 12 lbs. of silver, was made to pass in the proportion of 14·25 to 1, thus giving a profit of 2·25 lbs., which would have been coined into 900 sesterces of the standard of 400 to the lb.[2]

As long as the triumphs of the Roman generals were celebrated over

[1] "There is reason to believe that the denarius weighed at first about 112 gr. tr." (*Trans. R. S. Lit.* iii. 367, quoted in *Num. Hel.* p. 141.) Only one coin mentioned by Mommsen, from Mionnet, exceeds this weight, reaching 7·41 grammes, or 114·36 gr. tr.

[2] *Polyb.* ii. 15, vi. 19, xxii. 23; *Plut. Fab. Max.* vii. The expressions of Pliny (xxxix. 13), "Quod effecit in libris, ratione sesterti *qui tunc erat*, sestertios DCCCC," imply a difference between the sesterce of the time when the gold scripula was first issued, and the sesterce of his own age. When the scruple passed for 20 sesterces, the pound of gold would have been worth 5760, or, as the As then weighed an ounce, (2·5×5760=) 1200 lbs. of copper. With silver and copper at 84 to 1, this would give the proportion between gold and silver as $\left(\frac{1200}{84}\text{ or }\right)$ about 14·25 to 1, so that a pound of gold was made to pass for 14·25 lbs. instead of 12 lbs. of silver. As at this time 10 Asses were worth 5 Attic oboli, or 2·88 scruples of silver, the sesterce would have been worth ·72, 400 would have been coined out of a pound, 900 out of 2 lbs. 3 oz. My reasons for concluding that the denarius continued to pass for 10 Asses, for some time after the dictatorship of Fabius Maximus, I have given in Note B. Pliny and other authorities often seem to be writing as if their readers were familiar with many things about which they are now in comparative ignorance. When the Attic drachma passed for 12 Asses, or 1 lb. of copper, the exact proportion between the two metals was $\left(\frac{5062\cdot5}{60\cdot75}\text{ or }\right)$ 83⅓ to 1; according to which standard 10 Asses would pass for a silver coin weighing $\left(\frac{4218\cdot75}{83\frac{1}{3}}\text{ or }\right)$ 50·625 gr. tr., or a Pentobolus.

the Carthaginians, and the people of Italy and Western Europe, the treasury was filled with Quadrigati, Bigati, and the Spanish coinage of "Osca," the soldiery receiving their donatives in money of the copper standard. Tetradrachma of Antioch, Cistophori of Pergamus, gold Philips of Macedonia, and the pure silver coinage of Attica, flowed into the treasury after the wars with Philip and Antiochus, *Denarii* and Victoriati from Illyria a little later,—thus familiarizing the Roman people with the currency of Eastern Europe, and of the Greek kingdoms of Western Asia. Livy now calculates the donative of the Legionary in denarii, for the use of silver was becoming common; but the type of the coinage seems to have still remained unaltered. A character in one of the comedies of Plautus sneers at "the miserables who are ready to take a drachma, when, for his part, he would never stir under a *nummus*," apparently a "nummus Quadrigatus," or Decobolus of the larger type; for the man who would refuse to move for a drachma would hardly rise for a Pentobolus, and would most assuredly never get up for a sesterce. The obolus, the drachma, the mina, and the talent, familiar to the audiences of Plautus, who was probably writing during the Second Punic War, and one of whose plays was exhibited as late as B.C. 191, or about seven or eight years before the date assigned to his death by Cicero, appear in the six comedies of Terence, whose brief career was terminated by his early death in B.C. 159. Money at this time was still calculated by the mina, the pound and the ounce never appearing except with the addition of *pondo;* and the *nummus*, as in the days of Plautus, seems to have been a larger coin than the drachma. A thousand silver drachmæ were equivalent to ten minæ; but a thousand nummi seem to have passed for a larger sum. In the days of Polybius, who on his first arrival at Rome may have witnessed the representation of the earliest comedy exhibited by Terence, the Attic drachma passed for twelve Asses, the obolus for two, the denarius not as yet conforming to the Attic type; but the time was fast approaching when Rome was about to step into the position occupied in turn by Persia and by Greece, and assert her right to give the standard to the world.[1]

Two-and-twenty years after the surrender of Perseus in B.C. 168, the same year witnessed the final destruction of Carthage and the temporary fall of Corinth; Greece ceased to be independent, Macedonia was already a Roman province, and the pre-eminence that had passed away from Persia upon the rise of the Macedonian empire was gradually transferred to Rome. Her currency must have now begun to supply, at any rate, the Western world, and, abandoning the earlier standard of her coinage, she began to issue her denarii upon the Attic type of 84 to the lb. Polybius brought down his history to the year in which Carthage and Corinth fell, and when he wrote he still calculated the soldiers' pay in Attic drachmæ and oboli; valuing each coin respectively at 12 and 2 Asses. Fifteen years afterwards, Papirius Carbo was Tribune of the

[1] Plaut. *Pseud.* iii. 2. 19; Ter. *Heaut.* iii. 3. 40, 45; iv. 4. 2.

Plebs, in B.C. 131, and about this date may be placed the Papirian law that reduced the weight of the As to half an ounce. It would be difficult to fix the exact time at which the Roman denarius was first assimilated to the Attic type, though it was probably about this period; for the era of the change is unmistakably connected with the well-known regulation about the soldiers' pay, which could hardly have been in existence when Polybius was writing his account of the pay and allowances of the Roman legionary. The stipendium of the legionary, reckoned at four Asses a day over a period of 120 days, must have amounted at the time when Polybius was writing to 480 Asses, or 40 drachmæ; but as soon as the denarius passing for 16 Asses was assimilated to the drachma which had once passed for 12, the pay would have fallen by the new arrangement to $\left(\frac{480}{16}\text{ or}\right)$ 30 denarii. Hence it was agreed that the soldier's pay should be calculated at 48 denarii, each passing, as of old, for 10 Asses; so that the stipendium, though nominally remaining at the same amount of four Asses a day, or 480 Asses, was practically raised from $\left(\frac{480}{12}\text{ or}\right)$ 40 drachmæ to $\left(\frac{480}{10}\text{ or}\right)$ 48 denarii. But so intimately is the stipendium of the Roman soldier connected with the change in the coinage, that it cannot be passed over without a brief notice.

IV.

THE STIPENDIUM.

THE Roman Legion was originally composed of the Adsidui, or Freeholders, who served at their own cost; but the soldier was not a "continuous-service man," being only liable, during twenty years of his life, to be called out annually to serve a certain number of days under arms. The necessity of continuing under arms beyond the limits of the original term of service naturally became burdensome upon the yeoman freeholder who wished "to get back to his farm;" and, accordingly, he was compensated by pay, the first issue of the *Stipendium* being generally associated with the lengthened siege of Veii. The amount of the stipendium in the reign of Domitian was *three* aurei, 75 denarii, or 1200 Asses, which, as the pay of the legionary was at that time 10 Asses a day, gives 120 days, or four months of 30 days, as the annual length of service to which the freeholder was originally liable. It is easy to understand the manner in which such a system would have gradually adapted itself to the lengthened wars of the later Republic, in which the legionary,

being paid by the campaign, would receive his pay, not by the year, but by the stipendium, or according to the number of "four months" during which he continued "facere stipendium," or to carry arms in face of the enemy. After continuous service was exacted from the Roman soldier the same system remained in force, and he continued to be paid by the stipendium, receiving *three* in the course of the year, until Domitian raised his pay to *four*.

The war with Pyrrhus, the epoch in which a silver coinage was first issued, and in which the erection of a sun-dial in the Forum familiarized the Romans with the Eastern divisions of time, also marked the commencement of important changes in the military system of Rome. It was no longer property, but length of service, that qualified the soldier to take his place amongst the chosen band, known henceforth as *veterani*. Men were wanted, and the proletarii, freemen, but not freeholders, were enrolled in the legions. A fleet was needed, and the poorest of the proletarian class, with all the freedmen, were inscribed upon the roll of sailors, much against their will, for galley-service was naturally unpopular. Even the slave-market is said to have been ransacked for recruits to fill the ranks, shattered by the victories of the great Carthaginian; and, at the close of the Second Punic War, allotments were assigned to Scipio's veterans, *Bina jugera*, the normal amount of the old Roman *hæredium*, being given for every year of service beyond the frontiers of Italy, in Spain, or Africa; probably as a reward or pension for foreign service. Thus, in the course of about seventy years, the whole military system had been gradually remodelled. The legionary who received an allotment at the close of twenty years of service, at home and abroad, must have been the representative of a totally different class from that of the small freeholder, whose presence was as necessary at the farm as in the field, and whose service could not have been rendered without inconvenience until the vintage and the harvest had been secured. No ties bound the other either to family or farm; his home was in the camp: for though a freeman in arms, he was not a freeholder until he received, upon his discharge, a hereditary allotment, and, accordingly, the germs of the military colony, and of continuous service, the one in close connexion with the other, may be traced to the period in question.

The earliest notice of the pay of the legionary is to be met with in one of the comedies of Plautus, in which an allusion is made to the man "who risks the chance of fifteen spears in his body in the assault for *three nummi*." To be an *enfant perdu* in the forlorn hope told off to carry a walled town by storm "sub falas," under the wooden defences put together for the protection of the storming party, was evidently regarded as one of the most hazardous services of the time. Calculated at 3 Asses a day, the stipendium must have amounted at this time to 360 Asses, or 30 Attic drachmæ, so that pay must have risen in the days of Polybius, when the legionary received 2 Attic oboli, or 4 Asses a day, which would have raised the stipendium to 480 Asses, or 40 Attic drachmæ.

His rations consisted of a monthly allowance of "as nearly as possible two-thirds of an Attic medimnus of wheat," apparently the four and a half modii, Roman measure, or about nine imperial gallons, which Cato reckoned as the monthly allowance for a man at full work during the six summer months. The centurion received double pay, the Eques three times as much as the legionary, 12 Asses or an Attic drachma a day, with a monthly allowance of two Attic medimni of wheat, and seven of barley, or rations for *three* men, and forage for *two*, if not more, horses; the cost of rations, forage, and equipment, being, in each case, deducted from the pay. Thus the State found the soldier with every necessary he required, deducting the price from the stipendium. Rations and forage were also issued to the allies whilst on service, free of all deductions, the infantry receiving the same allowance as the Roman legionary, but only a medimnus and a third of wheat, and five medimni of barley, were served out to the horseman, or rations for *two* men, and forage in proportion. The Roman Eques had, from the earliest times, been mounted at the cost of the State, forage for his horse having been provided, before the institution of the stipendium, by an annual tax levied upon the widows of Rome, perhaps in lieu of the personal service which they could not render in the field; and, under the name of *Æs Equestre* and *Æs Hordearium*, or the cost and keep of the charger, certain legal claims seem to have been asserted upon the military treasury by the Equestrian order, long after they had ceased to supply the State with cavalry.[1]

As the soldiers' pay was always calculated by the nummus of the copper standard, the alteration through which sixteen Asses passed for a denarius, which, when assimilated to the Attic drachma, ought to have only passed for twelve, would have considerably reduced its amount, but for the arrangement that, in reckoning the stipendium, the denarius should continue to pass at its original standard—a regulation which has been connected by Pliny with the reduction in the weight of the As during the

[1] Plaut. *Most.* ii. 1, 10; *Polyb.* vi. 39; *Cato*, lvi.; *Livy*, i. 43. The five Attic medimni, or 35 modii of barley supplied to the Allies, would give a daily allowance of rather under 14 lbs., English weight—too much for a single horse to eat. The English charger consumes daily 10 lbs. of oats, but the lighter horse, of Arab race, that supplies his place in India, is contented with about 8 lbs. of *gram*, or less when he can get green forage—with "three feeds" a day. A comparison between a Roman horse of the modern type and the bronze charger of Marcus Aurelius will show that the Roman Eques was mounted on a much smaller horse than the English dragoon, and the five medimni of barley supplied to the Allies probably represent forage for *two* chargers, to mount the *two* men to whom rations were also supplied—an Eques and his rear-rank man. The extra ration and *two* medimni—a smaller amount of barley—supplied to the Roman, imply the presence of a *third* man and horse, probably a supernumerary and a baggage animal. There were many slaves in attendance on the Roman army, and in the case o the Eques his slave would be mounted. "Ad equos emendos *dena millia æris* ex publico dato; et quibus equos alerent, viduæ attributæ, quæ *bina millia æris* in annos singulos penderent." Some very ingenious calculations have been grounded upon the assumption that the *dena millia* represented the price of each horse, the *bina millia* the pay of each Eques. If a horse was worth 10,000 Asses, when a proprietor of 100,000—or *ten* horses—was enrolled amongst the richest class in Rome, the horse must have been a very valuable animal, and the Equites were a very costly troop. The sums mentioned by Livy mounted the whole body, and kept *all* their horses.

Second Punic war; but as no allusion to it will be found in Polybius, the change must be dated after the era in which the earlier and more accurate writer concluded his history. It must have raised the pay of the legionary from $\left(\frac{480}{12}\text{ or}\right)$ the 40 Attic drachmæ of the days of Polybius to $\left(\frac{480}{10}\text{ or }\right)$ 48 silver denarii, which continued to represent the amount of the stipendium till it was nominally doubled by Julius Cæsar, through whose arrangements the soldier received his rations from the State without deduction, with a slave from amongst the captives to carry his baggage. Thus Cæsar's legionary only carried his arms and military necessaries; and not a little of the success of the great Roman captain may probably be attributed to the increased celerity of movement which he thus secured. The exceptional regulation about the soldiers' pay must now have terminated, for it would have raised the stipendium, at 8 Asses a day, to $\left(\frac{960}{10}\text{ cr }\right)$ 96 denarii, a sum far above the *three* aurei, or 75 denarii, at which it stood in the reign of Domitian; but, by doubling the daily pay, and abolishing the exceptional standard, Cæsar practically raised the amount of the stipendium to $\left(\frac{960}{16}\text{ or }\right)$ 60 denarii. Augustus, who assigned additional sources of taxation for the military treasury, and passed various regulations about the soldier's privileges and pay, seems to have raised the latter to 10 Asses a day, the amount at which it stood at the time of the Emperor's death, as may be gathered from the grievances of the legionary at that period, which have been handed down in the pages of Tacitus, as follows:—"He was often kept on service, frequently with a body seamed with wounds, over thirty or forty campaigns; and even when dismissed he was still retained under the eagle, to perform the same service under another name. If he survived, he was dragged all over the world to get a bit of mountain or marsh that was called a farm; and he endured all this, and risked body and soul for *ten Asses a day*, out of which he had to find himself in clothes, arms, a tent, and to satisfy the exactions of the centurions. All this was well worth at least a denarius a day. The Prætorians received twice that amount, and left the service after sixteen years. Let the service of the legionary end after sixteen years, and let him be paid on his discharge in money, and in the camp." It is curious to observe how persistently the policy of Augustus excluded the legionary from proximity to the capital, for, whilst on service, he was never quartered within a certain distance of Rome, and on his discharge he received, in strict conformity with the principle of Scipio's age, an allotment in some distant province, which he would have willingly exchanged for "money paid in the camp," with permission to spend it in Rome. The charge of the imperial city, and the duty of guarding the Emperor's person, were committed to the Prætorians alone, who, with the triple pay, seem to have occupied, in a

certain sense, the position of the earlier Equites. The complaints of the soldiery extorted a double donative from Tiberius, with a promise that their service should not be prolonged beyond the original limit of twenty years, but the pay was not increased before the reign of Domitian, who augmented it, not by raising its daily amount, but by the addition of a *fourth* stipendium, thus increasing its yearly amount from *nine* to *twelve* aurei, or 300 denarii.[1]

V.

Early Byzantine Currency.

It may be gathered from Herodotus that gold was the standard of the Persian currency as early as the reign of Darius, but, as the tribute in the precious metals due from all the provinces was, with the solitary exception of India, paid in silver, the establishment of a gold standard could scarcely have preceded the extension of their authority by some of the Great Kings over the distant province, from which a permanent supply of the metal could be relied upon. In Greece, the supply of gold was principally derived from the mines of the Pangeian range, which were still worked by the neighbouring Thracian tribes when Herodotus was writing, and from the possession of these mines by Philip of Macedon dates the first issue of a Macedonian coinage in gold. The successors of Alexander failed to extend their authority over the farther East, and accordingly, though gold coins were issued in Syria, in Egypt, and in Asia Minor, the currency in those quarters seems to have been regulated on a silver standard, the stater of the Macedonian kings, who, from the possession of gold mines, could count upon a supply of the metal, replacing the Daric as the ordinary standard of the gold coins of the age. The acquisition of Spain placed the rich silver mines of that country in the power of Rome, and, from the neighbourhood of Carthagena alone, upwards of 1500 talents of silver are said, at one time, to have been paid annually into the treasury; but no gold mines of any consequence ever fell into the possession of the Romans of the Republic. In the time of Polybius, indeed, gold seems to have been discovered in such plenty amongst the Taurisci of Noricum, that it fell a third in value throughout Italy for the brief period during which the mines were worked by Italians; but the fall was only temporary, producing no permanent effect upon the Roman system, for the Taurisci, driving away the Italian miners, retained the mines exclusively in their own posses-

[1] Suet. *Jul.* 26, *Oct.* 49, *Domit.* 7; Tac. *An.* i. 17, 36. The expression put in the mouth of the military grumbler by Tacitus, "Only *ten Asses* for risking body and soul, which is well worth *a denarius*," renders it impossible that the regulation should have been still in force, by which the denarius was counted at ten Asses in paying the legionary.

sion. The scripula, current above its actual value, was evidently a local, and probably a temporary coin, for gold continued to pass by weight, and to be stored in the treasury in bars—the Romans of this period, to the surprise of Pliny, who records the fact, invariably mulcting their vanquished opponents in silver. As the ordinary standard of the currency of the West, silver could be re-issued with a profit in the form of coins, whilst, as long as gold passed by weight at its market value, a loss would have been entailed by coining it. The permanent extension of their power beyond the limits of Europe seems to have impressed the Romans with the advantages of a coinage in gold, and, before the middle of the first century before the Christian era, aurei upon the Eastern type began to be circulated. Cæsar's conquest of Gaul placed at his disposal the mines of that country, which were, at this period, renowned for the purity of their gold, and from this time forward silver ceased to be the regulating standard of the Roman currency. The invariable result of such a change in such an age soon became apparent, the denarius dwindling away from its original standard, until it disappeared entirely from circulation.

When Pliny wrote, "Alii a pondere *subtrahunt*, cum sit justum, lxxxiv. e libris signari," he was surely using the present tense; and as the standard of the silver denarius remained unaltered after the aureus had been reduced in weight from 40 to 45 in the lb., or from 7·2 scruples to 6·4, gold must have risen in value $\left(\frac{85{\cdot}7}{6{\cdot}4} = 13{\cdot}4\right)$, though the silver coin, curtailed in weight, or mixed with alloy, no longer reached the correct standard of value. It has been conjectured, indeed, that to meet the depreciation of the aureus in the reign of Nero, the standard of the silver denarius was lowered from 7 to 8 in the oz.; but Pliny, writing some time after the death of Nero, was unaware of any such change, nor can any contemporary authority be cited in support of this opinion. It was the Byzantine and not the Roman ounce that was divided into 8 drachmæ, and the Byzantine drachma, as a weight, was never coined. Probably, like our own shilling, as the coined denarius shrunk in size, it ceased to be regarded as a weight; for Josephus and Pollux calculated, not in silver denarii, but in Attic drachmæ, the standard of weight, apparently, in their time, though the recollection of the denarius at its full standard may have been retained under the name of the *Holce*—the weight. Fifty aurei are said to have been coined out of a pound of gold in the days of Caracalla, sixty during the reign of Diocletian, who restored the denarius to the silver currency, for it had ceased to be coined from the time of Caracalla; but its resuscitation under its original name was only temporary, and the coin of Diocletian seems to have passed into the Byzantine system as the Centenionalis.[1]

[1] Another passage in Pliny, "Quaternis denariis scripula ejus permutata quondam, *ut auri*, reperio," appears to confirm the rise in the value of gold in his days, which seems to have

When Constantine instituted his reform in the Roman coinage, he would appear to have decreed that 7 aurei, each weighing 4 Byzantine scruples, or grammes, should be coined out of the ounce of gold, each aureus accordingly containing 3·43 scruples of fine gold to ·57 of alloy. Hence 84 aurei were coined out of 288 Byzantine scruples of gold, and thus a heavier standard was established, weighing fourteen ordinary ounces, but divided as usual into twelve, each ounce containing seven solidi instead of six, and weighing 28 scruples instead of 24—472·5 gr. tr. instead of 405 gr. tr. As it was decided by the Emperor that all payments into the treasury in fine gold—*aurum coctum*—should be made in this heavier pound, the profit must have been considerable; but about forty years later, in the reign of the elder Valentinian, this enactment was set aside, and it was ordered that all payments in bullion—*massa auri*—should be made in the pound of 72 solidi; the solidus itself being henceforth coined *auri obryzi*, or of the finest gold. Thus, it would appear, were laid the foundations of a double system of weight; the ordinary standard, often known as the *Libra Occidua*, or the pound of 72 solidi, and the heavier pound of 84 solidi, based upon the number of aurei coined by Constantine out of the pound of gold, which was used subsequently for weighing *balluca*, gold ore, or unrefined gold. To this heavier pound may be traced *Troyes-weight*. The Merovingians, adopting the Byzantine system for the standard of their currency, and the wheat-corn for their unit of weight, gave 24 grains to the denier, and 576 to the ounce, or 16·875 gr. tr., and 405 gr. tr. respectively; but in the Paris Poid-de-Marc, after it was assimilated to the standard of Troyes-weight, the ounce weighed 472·25 gr. tr., or 672 wheat-corns, exactly 96 grains of corn, three sterling pence, or a bezant of 67·5 gr. tr. more than the lighter ounce, which was thus raised from *six* to *seven* solidi.[1]

steadily continued. The *Argenteus Antoninianus* of 60 to the lb., or 4·8 scruples, replaced the denarius under Caracalla; and if 100 passed for six aurei of 50 to the lb., or 5·76 scruples of gold, the proportion between the two metals would have stood at this time at $\left(\frac{480}{34{\cdot}56}\text{ or}\right)$ about 13·9 to 1. When it can next be ascertained, it stood at $\left(\frac{288}{20}\text{ or}\right)$ 14·4 to 1. An excellent account of the coinage of this period will be found in Mr. Finlay's *Greece*, vol. i. App. ii., "On Roman and Byzantine Money." The Byzantine authorities identify the ὁλκη with the drachma of their own time; but it seems allowable to conjecture that the name grew into use to distinguish the standard of weight from the diminished coin. So, as the sterling penny shrunk from its original size in the course of the fourteenth century, the standard of weight began to be known as the Troy pound, to distinguish it from the standard of the currency, the sterling pound.

[1] *Cod. Theod.*, Lib. xii. tit. vii. 1, *ad an.* 325; tit. vi. 13, and Lib. x. tit. xix. 4, *ad an.* 367; Lib. vii. tit. xxiv. 1, *ad an.* 397. The enactments of the two later years were repeated and confirmed by Justinian (*Cod.* Lib. x. tit. lxx. 5; Lib. xi. tit. x. 3) who ordered that all coins of his predecessors, if of the proper weight, should pass at their current value. The old Paris grain and the average wheat-corn stand in the exact proportion of *seven* and *six*, or of the heavier and lighter Byzantine pounds. A medallion of Priscus Attalus, weighing 1203 gr. tr., is looked upon as abnormal, for three Roman oz. would give 1265 grains. But three Byzantine oz. would only weigh 1215 gr. tr., and a difference of 12 grains is more

When Constantine fixed the weight of the aureus at the standard which it so long retained, he also instituted a change in the silver coinage, the Milliarensis and the Keration usurping the position once held by the earlier denarius and quinarius. The milliarensis is supposed to have received its name from 1000 passing for a pound of gold when it was originally coined, or, to speak more correctly, 1008, twelve being given in exchange for each of the new aurei of 84 to the lb. Of the specimens of these coins mentioned by Pinkerton, two are worthy of especial notice, a milliarensis of Constantine, weighing 69·5 gr. tr., and another of Priscus Attalus, weighing 81·25 gr. tr., or exactly in the proportion of *six* and *seven*. Assuming that the proportion between gold and silver stood at the later imperial standard of 20 scruples of gold to 288 of silver, or 14·4 to 1, 3·43 scruples of fine gold would have passed for 49·392 scruples of silver, giving $\left(\frac{49\cdot392}{12}\text{ or}\right)$ 4·116 scruples, or about 69·5 gr. tr. to the milliarensis, calculating by the Byzantine scruple, the exact weight of the coin of Constantine; whilst 4 scruples of fine gold would have passed for 57·6 scruples of silver, giving $\left(\frac{57\cdot6}{12}\text{ or}\right)$ 4·8 scruples, or 81 gr. tr., to the larger coin, answering to the milliarensis of Attalus. The lesser coin then would appear to have been the true and original milliarensis, or "thousandth," of Constantine $\left(\frac{4860\times14\cdot4}{1008}=69\cdot5\right)$ adapted to his alloyed aureus containing 3·43 Byzantine scruples, or 57·9 gr. tr. of fine gold $\left(\frac{57\cdot9\times14\cdot4}{12}=69\cdot5\right)$; whilst the larger may be identified with the *major nummus* of 60 to the lb. $(60\times81=4860)$, a milliarensis only in name, though twelve would have passed for an aureus containing 67·5 gr. tr. of fine gold $\left(\frac{67\cdot5\times14\cdot4}{12}=81\right)$ when a pound of silver was worth five solidi. The keration, from its name, was evidently the half of the milliarensis, representing the amount of silver passing for the sixth part of a scruple of gold, twenty-four keratia being thus exchanged for a solidus. The denarius still continued to be coined, but not under its original name. Upon its revival by Diocletian, if gold had stood in the proportion of 14·4 to 1, and if twenty-five denarii passed, as usual, for an aureus of 60 to the lb. (or 4·8 scruples of gold, Roman weight), each denarius would have contained $\left(\frac{84\cdot375\times14\cdot4}{25}\text{ or}\right)$ 48·6 gr. tr. of silver, and would have passed under the new system as a coin of *twenty* in-

easily accounted for. Mr. Finlay alludes to coins that ought to have weighed 400 grains, calculating by the Roman pound, adding that no specimens have been ever found above 384 grains. But 384 : 400 : : 24 : 25, or in the exact proportion of the Byzantine and Roman pounds. The denarius of Diocletian, weighing 48·6 gr. tr., was not the hundredth of the Roman pound, but it was exactly the hundredth of the Byzantine pound of 4860 grains. For these and many similar reasons, it is, I think, allowable to conclude that the Byzantine, or later Roman, system dates from the reign of Constantine.

stead of twenty-five to the aureus containing 67·5 gr. tr. of fine gold $\left(\frac{48{\cdot}6\times20}{14{\cdot}4}=67{\cdot}5\right)$. Such would appear to have been the case, but as the denarius revived by Diocletian exactly answered to the hundredth part of the Byzantine pound, weighing 4860 gr. tr., it seems to have acquired the name of Centenionalis, under which it figures in the edicts of the fourth and fifth centuries.[1]

From this time forward, the name of denarius ceasing to be applied to a silver coin, was transferred to a piece of copper money, 6000 usually passing for a solidus, which would give the copper denarius an average weight a little under the Byzantine scruple,—the third of a centenionalis rather than the third of a drachma. When a solidus passed for 20 lbs. of copper, the denarius would have weighed $\left(\frac{5760}{6000}\text{ or}\right)$ ·96 of a scruple, and 300 would have been coined out of a pound; when 25 lbs. were given for a solidus, the denarius would have reached $\left(\frac{7200}{6000}\text{ or}\right)$ 1·2 scruples, or 240 to the lb., thus giving a difference of about 4 gr. tr. in the weight of the coin, according to the value of copper at the period in which it was struck.[2] Shortly before the middle of the fifth century, the third Valentinian issued a decree, enacting, under heavy penalties, that a solidus "bought of the Collectarius for 7200 nummi," or a coin of full weight, should never pass for less than 7000, thus fixing its current value at the latter sum; but as Cassiodorus, writing in the name of Theodoric to Boethius, about seventy years later, assigns various abstruse and philosophical reasons why "the ancients decided that the solidus should always

[1] *Cod. Theod.*, Lib. ix. tit. xxiii. 2, *ad an.* 395; Lib. xiii. tit. ii. 6, *ad an.* 397; Lib. xv. tit. ix. 1, *ad an.* 384. It may be inferred, I think, from the milliarensis differing in the exact proportion of the aurei containing 57·9 gr. tr. and 67·5 gr. tr. respectively of fine gold, that upon the repeal of the enactment of Constantine about the pound of gold, a coinage in fine gold was resumed. The earliest mention of the coin by name will be found, I believe, in Epiphanius, who held the see of Constantia, in Cyprus, from 367 to 402, and who writes, "The Romans call the argenteus *Miliarision*." The coin of the larger type of 60 to the lb. seems to have become the standard, for it adapts itself exactly to the fluctuations in the value of gold. Thus when gold stood at 14·4 $\left(\frac{14{\cdot}4\times67{\cdot}5}{81}\text{ or}\right)$ *twelve* milliarenses passed for a solidus, when it rose to 18 $\left(\frac{18\times67{\cdot}5}{81}\text{ or}\right)$ *fifteen*, and when it again declined to 16·8 $\left(\frac{16{\cdot}8\times67{\cdot}5}{81}\text{ or}\right)$ *fourteen* of the silver passed for one of the gold coins. The coin of the lighter type, 14 of which would have passed for 12 of the heavier milliarenses, must have disappeared from the circulation when gold ceased to be in the proportion of 14·4 to 1, which would appear to have been the standard in the time of Diocletian and Constantine. It is curious to notice the return to the old standard of the East,—five gold coins to a silver mina,—in the five aurei passing for 100 centenionales, a pound or mina of silver.

[2] Mr. Finlay (*Greece*, i. p. 536) looks upon these as separate coins, which he calls the *nummus* and the *denarius*, but I doubt if, as a name, "nummus" was ever applied exclusively to any one particular coin. It belonged rather to the coin, whether silver, copper, or gold, in which accounts were kept; and in this sense our shilling and penny are *nummi*, but not the florin, half-crown, or fourpenny piece. The difference in the weight of the various copper denarii is, I think, fully accounted for by the fluctuation in the proportion of gold and silver between 18 and 14·4 to 1.

pass for 6000 denarii," it may be inferred that the enactment of Valentinian was regarded in the sixth century as an exception to the general rule, due probably to some fluctuation in the value of the metal. Justinian, re-establishing or confirming the proportion between gold and silver at 14·4 to 1, decreed that the solidus should pass for 180 oboli, instead of 210, thus reducing its current value a seventh, and making it pass for 6000 instead of 7000 denarii. As the Emperor also fixed the value of copper at 20 lbs. to the solidus, this obolus would have been equal in value to $\left(\frac{5760}{180}\right.$ or$\left.\right)$ 32 scruples of copper; and at the relative proportion between silver and copper during the reign of Justinian, of 100 to 1, $\left(\frac{288}{\cdot 32}\right.$ or$\left.\right)$ 90 oboli would have been coined out of the pound of silver. The obolus to which Procopius alludes was, therefore, evidently the *obolus bractealis*, or silver follis, twenty-five being coined out of 8 scruples of silver, thus giving about $\left(\frac{16{\cdot}875\times 8}{25}\right.$ or$\left.\right)$ 5·4 gr. tr. to each silver follis. The copper denarius, answering as a weight to the gramme, or Byzantine scruple of 6 keratia or 24 grains of corn, passed into Western Europe as the prototype of the Merovingian denarius, or silver denier, the precursor of the Carlovingian or sterling penny, whilst the silver follis, weighing 8 grains of corn, became the original of the Heller or halfpenny of the old Cologne marc, and of the *Bractealis* of the North and West, its equivalent appearing amongst the Irish as the *Pinginn*, or third of their silver *Sgreabal*.[1]

[1] *Novell. Theod.* xxv. *ad an.* 440; Cassid. *Var.* Lib. i. Ep. 10; *Cod. Just.* Lib. x. tit. lxxvi.; *Cod. Theod.* Lib. xi. tit. xxi. 2, *ad an.* 396; Procop. *Hist. Arc.* 25; *Do. traduit par M. Isambert*, p. 860 (quoted by Mr. Finlay). The 200 nummi above its current value of 7000 represented the price of the solidus. Fortunate indeed would be the purchaser who could "buy money" for nothing. Assuming that the proportion between silver and copper remained stationary at 100 to 1, when the solidus passed for 6000 denarii, each weighing 16·2 gr. tr. of copper, the gold coin was worth 972 gr. tr., or the *fifth* of a pound of silver, and the proportion between gold and silver was at the normal standard of 14·4 to 1. When the solidus passed for 6000 denarii, each weighing 20·25 gr. tr., it was worth 1215 gr. tr., or the *fourth* of a pound of silver,—the medallion of Attalus,—and the proportion was as high as 18 to 1. The enactment of 422 (*Cod. Theod.* Lib. viii. tit. iv. 27), permitting the Primipilares to pay into the treasury, as sportula, *four* aurei for a pound of silver, fixes the proportion at that epoch at 18 to 1. Justinian, re-establishing the standard of Diocletian and Constantine, passed the solidus for 180 instead of 210 oboli, or silver folles,—for 972 gr. tr. of silver, instead of 1134 gr. tr.—thus reducing the proportion from $\left(\frac{1134}{67{\cdot}5}\right.$ or$\left.\right)$ 16·8 to 14·4 to 1. Hence it seems evident that the decree of Valentinian III. in 440, fixing the current value of the solidus at 7000 copper denarii of the lighter type, or $\left(\frac{16{\cdot}2\times 7000}{100}=\right)$ 1134 gr. tr. in silver, was a first attempt at bringing down gold from the high price to which it had risen during the confusion following the fall of the Western Empire. When a solidus passed for 1134 gr. tr. of silver, *five* would have been worth 5670 gr. tr., or Constantine's heavy pound, and *twenty* of these pounds would have been coined into $\left(\frac{5670\times 20}{7000}=16{\cdot}2\right.$ or$\left.\right)$ 7000 copper denarii, each weighing 16·2 gr. tr.; so that it would seem as if, between A.D. 440 and the era of Justinian, the heavier pound of Constantine must have replaced the *Libra Occidua* as the monetary standard. It was

NOTE A.

THE Roman measures of capacity have descended to us with sufficient accuracy, for though they are reckoned in the poem of Rhemnius Fannius by the Byzantine standard, they were then still identical in principle with the system in use under Vespasian, and the difference is easily calculated. In the Attic measures, however, we have not been equally fortunate, for with the statement of Pliny that 10 Attic drachmæ, of the type of his time, went to the Cyathus, it is impossible to suppose that they were originally adapted to the drachma of Constantinople; whilst the identification of the Attic medimnus with the measure of six modii in ordinary use amongst the Romans, is exceedingly doubtful. Cicero, in his oration against Verres, the scene of whose misdeeds was in Sicily, alludes several times to the medimnus as a well-known measure of six modii in that quarter, without ever hinting that it was the Attic medimnus; for it appears to have been the measure in ordinary use amongst the Romans, who derived their system of weight, their earlier currency, and apparently their measures of capacity, from Sicily rather than from Attica. Nepos, the contemporary of Cicero, in his account of Atticus, says that the latter gave to every Athenian citizen "*seven* modii of wheat, which is the amount of the measure that is called a medimnus at Athens,"—"*septem* modii tritici, qui modus mensuræ medimnus Athenis appellatur"—an explanation that would appear to be utterly uncalled for, if the measure in use at Athens in his days had been the ordinary medimnus of *six* modii. Polybius, who calculates by the Sicilian as well as by the Attic medimnus, gives "as nearly as possible—*μαλιστα πως*—two-thirds of an Attic medimnus of wheat," as the monthly rations of the Roman legionary on service. Cato allowed *four and a half* modii of wheat to a slave for each of the six summer months during which he was at full work, and a rather larger amount of bread and wine to a labourer hired by the day, in return apparently for more work: so that if the Attic medimnus of the days of Polybius is reckoned at only *six* modii, the monthly allowance of a Roman legionary on service was less than that of one of Cato's slaves at full work.[1]

The Issaron, or Omer, the tenth of an Ephah or of a Bath, was equal to *seven* Attic Cotylæ according to Josephus, which serves to identify the Hebrew measure of his days with the *Heptacotylon* mentioned by Aristophanes. This Attic Cotyla must not be confounded with the measure that appears in Pollux as the third of a Chœnix, still less with the Cotyla, or quarter-Chœnix, of the Byzantine standard. As the tenth of an Ephah of 90 Roman lbs., an Issaron of wheat would have weighed 9 lbs., its seventh part, or an Attic Cotyla, about 15·54 oz.—(15·36 oz.=) 50 Darics, or a little over a Sextarius—and as the Bath, or Ephah, contained 72 Sextarii, the Attic Cotyla and the Sextarius would have been in the proportion of 7·2 and 7. As the Sextarius was the *sixth* of a Chous, the Cotyla the *seventh* of a Heptacotylon, any two systems in which the Chous and the Heptacotylon occupied a similar position would have differed in the proportion of 6 and 7·2—that is to say, as an ordinary medimnus of which the Chous was the *sixteenth*, contained 120 lbs. of wheat, a medimnus of which the Heptacotylon was the *sixteenth*, would have held 144 lbs., a double talent of the lighter Attic standard, or rather over *seven* modii. When Pliny gives 15 Attic drachmæ to

during this epoch that the Merovingian kingdom first arose,—the heart of it, Champagne; which, perhaps, may account for the standard of Constantine becoming the peculiar standard of weight in that quarter.

[1] Cic. *in Ver.*; Cor. Nep. *Att.* 2; *Polyb.* vi. 39; *Cato*, lvi. It would be difficult to point out the authority by whom the Attic medimnus was first identified with the measure of six modii, but I cannot trace the assertion further back than one of the chapters appended to Galen. Herodotus distinguishes the Attic measure from the medimnus in which he calculates, which was apparently the measure in ordinary use, that passed from Greece, through Sicily, to the Romans.

the quarter-Hemina, he implies the existence of a Hemina of 60, a Sextarius of 120, and a Medimnus of 5760 Attic drachmæ, or 138·6 lbs., about a sextarius short of *seven* modii. These trivial differences had probably been done away with long before his time, though the earlier measure seems to have been adapted to the full standard of the talent, to judge from the passage in Herodotus, in which he says:—"The Artaba is a Persian measure containing 3 Attic chœnixes more than an Attic medimnus." Assuming that the Attic medimnus was made up of the usual number of 48 chœnixes, the two measures would have been in the proportion of 48 and 51, thus giving $\left(\frac{144\times51}{48}\right)$ 153 lbs. or 6000 Darics to the Persian measure, which evidently corresponded with a double-talent of the gold-weight of that age. Thus from the era in which Herodotus was writing, until the date at which the Attic drachma was adapted to the later Roman ounce, the local medimnus in use at Athens seems to have been a measure answering to *seven* Roman modii.[1]

Josephus, however, when he gives *ten* Attic medimni to the Cor, identifies the former measure with the ephah of 90 Roman lbs., in which he is borne out by Hesychius and Suidas, who describe the artaba as "a Median corn-measure identical with the Attic medimnus," evidently meaning the artaba at the intermediate standard of four and a half modii. In the poem of Rhemnius Fannius also, the Attic amphora is described as half as large again as the Roman, or as a measure of four and a half modii, thus identifying the Attic measures of capacity there described with the system familiar to Josephus; for as it is in a subsequent passage that the writer gives the rules for liquid measure, his previous remarks must have reference to dry measure. Hence the medimnus of *seven* modii, which may be regarded as the true and original Attic standard of the West, must be distinguished from the lesser measure, which may be looked upon as the Attic standard of the East. The name of "Attic" seems to have been applied, at a certain period, throughout the East, to everything that was Greek or Western, much as the name of "Frank" has been used indiscriminately in the same quarter for everything that is European, and may have come in this manner to mean the standards in ordinary use throughout the Greek kingdoms of the East. "The Attic mina must be used for weight and currency, for it is identical with the Italian mina which has 25 staters (the Roman pound), the Italian litra has 24;" thus the Alexandrian authority already quoted, from which it may be seen how the Attic standard accommodated itself to successive eras.[2]

Attic silver-weight, gradually forgotten under that name in the West after the rise of the Macedonian empire, seems to have been more familiarly known as the standard of Alexandria, and occasionally as the Egyptian talent. In the time of Epiphanius an Alexandrian sextarius of oil weighed 2 lbs., or a *third* more than the Roman sextarius

[1] Joseph. *Antiq.* iii. 6. 6; *Pollux*, x. 19, iv. 23; Plin. *H.N.* xxi. sec. 109; *Herod.* i. 192. The word used by Josephus is ἀσσαριον, the Greek form of the "nummus *assarius*" of the Romans, which was the *tenth* of a decalitron or denarius. "Apud Romanos talentum est septuaginta libræ, sicut Plautus ostendit in Mustellaria, qui ait duo talenta esse centum quadraginta libras" (Serv. *in Æn.* v. 112). The talent is often used by Polybius as a measure of capacity, "talents of wheat" being frequently stipulated for in the conventions which he records; so that the difference between Servius and Isidore may be reconciled by supposing the standard of 72 lbs. to have represented the talent of 6000 denarii, that of 70 lbs. the medimnus of 7 modii. The intimate connection between Attic-weight and gold-weight is worthy of notice, 48 staters of Attic silver-weight and 50 Darics being equal in weight, the two talents standing, like the Roman and Byzantine pounds, in the proportion of 25 and 24. If the Roman pound, which was a mina subdivided on the duodecimal principle, represents the original system of the West, Attic silver-weight was once apparently identical with the Persian current gold-talent, the Sicilian gold-talent of *three* staters ($3 \times 16 = 48$ staters $= 50$ Darics) representing a minute portion of it. At a later period 48 *aurei* weighed a lighter Attic mina of 100 drachmæ, or 50 staters.

[2] Joseph, *Antiq.* xv. 9. 2. From the passage in the Alexandrian writer it will be seen that, under the name of the Italian mina, the old Roman pound continued to be used after the establishment of the Byzantine standard

of oil, or 18 oz. ; so that the standard of weight at Alexandria about the opening of the fifth century stood in the proportion of *four* to *three* towards the Roman standard, thus representing Attic silver-weight. The talents of 90 lbs. and 20 lbs., both of which occasionally appear under the name of "the Ptolemaic talent," are also met with as Egyptian standards of weight ; but the true Alexandrian mina of 16 oz. seems to have represented the scientific standard of the East, for it is quoted in one of the chapters appended to Galen's works as "the physician's mina," a description applied by Pliny to the mina of 100 lighter drachmæ, or denarii, which was evidently regarded in his days as the scientific standard of the West.[1]

At Jerusalem, and at Tyre, the Attic system, as it was known in the East, seems to have obliterated all recollection of any pre-existing standards. In the well-known passage of Ezekiel (xlv. 10-14) the Septuagint renders *Ephah* and *Bath* by *Chœnix* and *Cotyla*, using *Metron* indiscriminately for both measures. Elsewhere, "the *Omer* is the tenth of an *Ephah*," is rendered "the *Gomer* is the tenth of the *Trimodia*—*των τριων μετρων*," thus making the *Seah* the metron or modius ; whilst *Cotyla* stands for the *Log* in Leviticus, and both *Omer* and *Homer* are always rendered by the same word, *Gomer*. Josephus, a trustworthy authority for his own days, can scarcely be said to throw more light than the Seventy translators upon the time before the Captivity. He weighs gold by the Daric, a coin not to be found in the Pentateuch, in which the shekel of gold is always the shekel of the sanctuary, to which Josephus gives a weight of four Attic drachmæ, identifying it with the Tyrian coin of his own days, and thus giving the talent of the Pentateuch a weight of 12,000 denarii, or a double talent of the later Attic standard. Not that he commits himself to such a statement, for whilst he gives 100 minæ to the Hebrew talent, specifying the weight of the mina of his own time, in his calculations he always uses the Daric or the shekel, cautiously avoiding all allusion to the talent of the Pentateuch. The *Darkmon* is never alluded to by any of the writers of the Old Testament before the Captivity ; the mina only occurs once, in the First Book of Kings. The talent of the Pentateuch seems to have been based upon a different system from the standard familiar to Josephus ; and from the reticence and vagueness of the Alexandrian translators and Josephus upon such points, it may be gathered that the Jews of their time retained little, if any, recollection of the standards in use before the date of the Captivity.[2]

The information afforded on the same subject by Epiphanius, who held the see of Constantia in Cyprus from 367 to 402, is probably only a reflection of the Christian tradition of his age, but it is orthodox rather than convincing. With a denarius of 8 to the oz., a talent of 12,000 denarii would weigh 125 Roman lbs., and the Hebrew talent is naturally estimated at this amount by the bishop. The obolus, according to the same authority, was once a small silver coin of 80 to the oz., "because 20 oboli went to the didrachmon in Leviticus." The denarius "brought into Canaan by Abraham" affords a basis of calculation, the sicilicus supplies a shekel, the stater a shekel of the sanctuary, and so 2000 shekels, the talent of the Pentateuch, weigh 1500 oz., or 125 lbs. From the apparent similarity between Syrian and Roman weight, the original Hebrew talent may have approached very closely to the same standard, but in following up any researches into the subject, Epiphanius is scarcely a guide to be implicitly relied upon. The light of tradition, which seems to have glimmered faintly, if at all, upon the Alexandrian translators, shone with a steady glare, as usual, some twelve or thirteen centuries afterwards, upon the Rabbins. The nominal unit of weight under the Caliphs and Egyptian Sultans was the habbas, or barley-corn, and in these

[1] Plin. *H. N.* xxi. 19 ; *Galen* (Kühn), vol. xix. etc. c. 14 ; Epiph. *de Pond.* xxiv.

[2] To the names which have an Eastern origin, such as *mina*, *sicilicus*, and nummus *assarius*, may apparently be added *drachma*. It has been sometimes supposed to have meant originally "a handful," but Homer and Hesiod, ignorant of that happy, but problematical, era in which money passed by the handful, never allude to such a coin. Had they been aware of its existence, they would have written *darchma* and *didarchmon*, in accordance with the rules of the dialect they used. The appearance of the *darkmon* in the writings of the Jews after the Captivity seems to mark an epoch of change.

grains Maimonides estimates the shekel of the sanctuary. Six eggs displaced the amount of water contained in the Log, and the whole system of early Hebrew weight was rebuilt upon the basis supplied by this traditionary measurement. Amongst Christians, as well as Jews, the weights and measures of the Old Testament had acquired a sanctity and mysterious signification unknown apparently to the Jews of an earlier age, who seem to have contented themselves with reckoning their sacred shekel as a tetradrachmon of the ordinary currency of the time.[1]

Into the mysteries of the earlier talents I have not ventured to penetrate, leaving such questions in far abler hands. When Alexander substituted the Greek for the Persian standard of currency, he seems to have followed an Asiatic precedent, for Eastern conquerors obliterated, as far as in them lay, every vestige of the ascendancy of their predecessors. Defaced cartouches, and charred fragments of inscriptions, everywhere attest their policy in this respect; and when Darius regulated the Persian currency it may be doubted if he merely perpetuated the fixed and immutable standards of pre-existing empires. During his reign the silver tribute was weighed by the Babylonian, the gold from India by the Euboic talent, to be melted into bullion, and again issued in the form of coins; but it is more than doubtful if the coins, whether of gold or silver, which were thus issued, were adapted respectively to either of the above standards of weight. When *Petits Royaux* were coined in France in 1305, at 70 to the marc, it was ordered that 64 should pass for a "marc d'or fin de Paris;" so that, by weighing a Paris coined marc of fine gold of that date, we should obtain (64×54, or) 3456 gr. tr., the marc *Tournois*, not the marc de Troyes, the standard of currency, and not the standard of weight. Assuming that the Siglos of the age of Xenophon corresponded exactly with the silver coin of Darius, the mina of 20 oz., and the talent of 100 lbs., represent the standard of the silver coinage issued by that king, without however affording any certain clue to the talent by which the silver tribute was weighed.[2]

Various minor difficulties beset the path of the inquirer into the distant past. It is curious to find amongst the ancients the peculiarity, sometimes supposed to have been confined to the nations of Northern Europe, of counting by "the fifth half," for instance, or "the seventh half," meaning respectively four and a half or six and a half. Priscian, in alluding to this custom, asserts that the Romans learnt it from the Greeks, but Varro merely calls it "a custom of our forefathers," and it was probably a relic of very ancient times, derived originally from the East. The "long hundred" of 120, or six score, known amongst our ancestors, at the time of the Norman conquest, as "the English hundred," is also traceable; for the Scholiast on the first Philippic of Demosthenes, in describing the talent, says, "The drachma has 6 oboli, so are there in the talent 6000 drachmæ, and *three myriads* of oboli—*τρισμυριους ὀβολους*." Thus the Myriad seems originally, like the Hebrew *Kikkar*, to have represented a round number, fluctuating between the decimal and duodecimal systems until it settled finally into "ten thousand." The duodecimal system was in favour with the Babylonians; the talent of the Pentateuch evidently followed the decimal: starting from the same basis, the Æginetan obolus, the former system develops the "talent of the Islands," the latter, the Persian silver talent.[3]

---

[1] Epiph. *de Pond.* xxiv. The Rabbinical experiment has been duly tested in modern times, but 108 Egyptian dirhems of 61 barley-corns, according to Maimonides, also coincided in weight with the amount of water displaced by the six eggs. Consequently the scientific German's calculation gives barley of about 19 lbs. to the modius, a result that would have astonished Pliny, who gives 15 lbs. as the highest average, and would gladden the heart of a practical agriculturist, if the grain would grow beyond the fostering atmosphere of the study.

[2] *Herod.* iii. 89, 96; *Le Blanc* (edit. 1692), p. 180. Some very able authorities on such subjects calculate as if fluctuations in the value of the precious metals, and variations in the standards of currency, commenced at the epoch in which they are first traceable, and were unknown in the great Eastern empires of antiquity.

[3] "Multiplica 100 vicies 126, in 15120 summa concressit," wrote the venerable Beda; and, on another occasion, "in 100 autem quatuordecies 7 numerantur." "Quindecies quadrageni,

A more serious difficulty is presented by the *Hrope*. "Let the commercial mina weigh 138 Stephanephoran drachmæ according to the standard of the mint, and have a *Hrope* of 12 drachmæ; and let all buy and sell by this mina, except where there is an express agreement to buy and sell by monetary weight (προς ἀργυριον, or silver-weight), setting the beam of the balance on a level, carrying the 150 Stephanephoran drachmæ. The *Pentamnoun* to have for *Hrope* a commercial mina, the commercial talent to have five commercial minæ." Such is the substance of a portion of a Greek inscription in which this *Hrope* (ῥοπη) plays a part for which it is difficult to assign a satisfactory explanation. Apply the test to Attic silver-weight, and 138 drachmæ give a mina of 9315 gr. tr., raised, by the addition of a *Hrope* of 12 drachmæ, or 810 gr. tr., to 10,125 grains, or a mina of the Æginetan talent. To a mina of 100 denarii add a *Hrope* of 12, and it will weigh (6026·8+723·216, or) 6750 gr. tr., a mina of Attic silver-weight. No rule can be laid down upon the subject of the *Hrope* without some further knowledge of the system with which it was connected; but as all the earlier weights with which we are practically acquainted are considerably heavier than the standards reached from existing coins, it may be conjectured that, in early days, and with an unalloyed coinage, the difference between the standards of weight and currency was in some manner regulated by this contrivance.[1]

The Euboic talent must have been a familiar standard amongst the Romans when they used it for all their conventions with the Carthaginians and Western Greeks; so familiar, indeed, that no Roman authority has thought it necessary to enter into any explanation on the subject. By reckoning the Babylonian talent at 7000 Attic drachmæ, Pollux seems to have tacitly assumed that the familiar Attic talent of 6000 represented Euboic weight, and the calculation of Appian, by identifying it with the Alexandrian standard, seems to point to a very similar conclusion. Rightly or wrongly, they appear to have identified Euboic weight with the talent in ordinary use amongst the Romans. In the fragments of Festus, preserved by Paulus Diaconus and others, there seems to be too much confusion to arrive at any certainty; but if the Attic mina of Ælian may be supposed to represent the mina of Rhemnius Fannius, or Roman pound, his calculation that 72 of these minæ went to the Babylonian talent would identify the Babylonian standard with that of the lighter Attic weight, and consequently the Euboic mina with the Roman pound.[2]

---

sexcenti; quindecies octoni, *centies*," such is his calculation in the rule he gives for finding the indiction. Some of the early English Statutes lay down a rule for using the hundreds of five and of six score respectively, but without some such clue arithmetical problems are occasionally involved in considerable mystery. Beda evidently calculated by both; but by what long-forgotten "custom" was he guided? A notable instance of a similar difficulty occurs in the Servian census, by which the first class was assessed, according to Livy, at 100,000 Asses, but according to Pliny and Festus at 120,000. The lowest assessment mentioned by Polybius was 400 drachmæ, or 4800 Asses, which seems to favour the reckoning of Pliny and Festus, and to show that the early Romans calculated by "the long hundred."

[1] Böckh, *Polit. Econ.*, p. 193, Note A. The heavier of the two standards brought from Athens by Mr. Burgon, weighing 9980 gr. tr., approaches very closely to this commercial or Æginetan mina, which, without the *Hrope* of 12 drachmæ, reduced to 9315 grains, also approaches very closely to the standard generally ascribed to the earlier Æginetan coinage. Assuming 60·75 gr. tr. as the weight of the Stephanephoran drachma, 138 drachmæ give a commercial mina of 8383·5 gr. tr., approaching very closely to the Persian silver mina, and the early standard of Corinth, which is raised by a *Hrope* of 12 drachmæ, or 729 gr. tr., to 9112·5, a double Syrian mina, corresponding with (10125 — 1012·5 = 9112·5, or) an Æginetan mina reduced a tenth in weight. Where Pollux (ix. 6) says that the stater in gold weight was equivalent to the mina in silver weight, he is evidently alluding to the *Hrope*.

[2] *Pollux*, ix. 6; *Appian*, v. 2; *Ælian*, i. 22; *Festus* (Müller, 1839), p. 359, and Notes. To the talents of Rhodes and Asia Minor—Cistophorum—Festus is supposed to give 4500 denarii, or 4000 cistophori and 7500 denarii; to the Euboic talent 7500 cistophori "in Greek money, which in ours is 4000 denarii." It is easy to point out the confusion, 7500 denarii being the proper standard of the talents of Rhodes and Asia Minor, whilst a talent of 4000 cistophori, each of which was worth 2½ denarii, would have been equal to 10,000 denarii, the early Ægine-

The Romans of the later Republic and earlier Empire seem to have been familiar with two standards, a larger talent, weighing 120 lbs. or 10,000 Attic drachmæ, and a lesser, weighing 72 lbs. or 6000 drachmæ, to which they always seem to have given the name of Attic weight. To the heavier standard, corresponding with the Æginetan, Sicilian, or Island talent, they give no name, Vitruvius merely remarking that 4000 talents weighed 480,000 lbs.;[1] but it was probably the "magnum talentum" so often met with in the earlier writers,—for it may be gathered from the Assyrian weights brought from Nineveh, that a system of double-weight was in use of old, and the Roman pound seems to have been a lesser mina, or *Hemina*, of the standard adopted from the Sicilian Greeks. This was the talent that formed the groundwork of the Roman measures of capacity, and most of the Greek, and to which the original copper coinage conformed, whether *uncia* or *chalcos*, as well as the silver currency of the type of the δραχμη παχεια. In short it was the talent in ordinary use amongst the Romans, in common with many other people of Western Europe, before they adapted their denarius to the later Attic type. *Sixty* larger minæ of average wheat would have been contained in an ordinary medimnus of *six* modii, *seventy* of these minæ in an Attic medimnus of *seven* modii, the Roman and Athenian measures answering in this respect to the Euboic and Babylonian talents in the well-known passage of Herodotus. It would be not a little singular if, in their conventions and treaties, the Romans were accustomed to use a different talent from either of the two with which they were most familiar; equally singular, if not more so, that this talent in particular should have escaped the notice of all their writers on the subject. But in the very familiarity of the standard lay the chance of its being forgotten. No explanation about the "magnum talentum" was required by the audiences of Plautus, or of Terence, nor did the Romans of the later Republic experience any difficulty about the talent that appeared in the majority of their treaties. Pollux and the writers of his age, by which time the earlier standard, adapted from the Sicilian Greeks, lay hidden and forgotten at the base of the Roman measures of capacity, naturally identified the talent in ordinary use with the Attic weight with which they were most familiar. In later days Epiphanius and Priscian wrote as if the denarius and Attic drachma had conformed from time immemorial to the Byzantine standard of eight to the oz. As it is hazardous on such a subject to venture beyond a conjecture, I will only add that there seems a strong probability that the Euboic talent was only another name for the Æginetan, Sicilian, or Island standard, which may be traced apparently as far as Syria, and may be regarded perhaps as the earliest standard of weight and currency in use amongst the Greeks.[2]

NOTE B.

If the denarius is supposed to have passed for 16 Asses as early as the dictatorship of Fabius Maximus, the difficulty of understanding the Roman coinage becomes very great. Assuming that a denarius passed for 16 Asses when Polybius was writing, it must have been worth 8 Attic oboli, or a third more than the drachma, to which he gives a value of 12 Asses. Hence, when the scripula was first coined in gold, and passed

---

tan standard. But the passages thus "emended" can scarcely be used as the basis for any very satisfactory conclusion.

[1] *Vitruv.* x. 21.

[2] "The only gold coin of Eubœa known to us has the extraordinary weight of 49·4 gr. tr." So writes one of the best authorities on such subjects, Mr. Poole, and the weight approaches very closely to 50·625 grains, a Pentobolus or drachma of the Roman pound. Aristotle describes the *Maris* as a measure of 6 cotylæ, so that the Heptacotylon of Aristophanes and the Maris were in the same proportion as the Babylonian and Euboic talents of the time of Herodotus. With the difference of the "heaped" and "stricken" bushel, so often alluded to in our old Statutes, both Greek and Roman seem to have been thoroughly familiar, the κορυστος μοδιος and the ψηκτος μοδιος being duly noticed in the Greek inscriptions.

for 20 sesterces, or 5 of these denarii, it would have been worth at least 40 oboli, or (·576 × 40 =) 23·04 scruples of silver, and the proportion between the two metals must have stood at 23 to 1. Give the Attic obolus its full standard, and the proportion rises (to ·64 × 40 = 25·6, or) beyond 25 to 1. Rome at this period was neither so isolated as to possess an exceptional currency, nor of sufficient importance to enforce such a currency upon the rest of the world. The Philip, or gold stater of Macedon, was perhaps more familiarly known to the audiences of Plautus than their newly coined scripula, which seems only traceable in one comedy—the *Rudens*;[1] yet must the scripula be supposed to have been current for 40 oboli, side by side with the Philip, of full *seven* times its intrinsic value, which has only passing at the highest estimate for (25 × 6, or) 150 oboli! Silver coins were struck by the Romans weighing more than a quarter of a Roman oz., and if these heavier coins are supposed to have been at that time in circulation as denarii, the proportion would have been infinitely higher, the improbability even more glaring.

Fortunately Pliny has contradicted himself, for in no way can the end of the following passage be reconciled with the beginning:—"Q. Fabio Maxumo dictatore asses unciales facti, placuitque denarium sedecem assibus permutari, quinarium octonis, sestertium quaternis; *ita respublica dimidium lucrata est.*" If 16 oz. of copper instead of 20 oz. passed for a denarius, it is difficult to see how the State was a gainer of 50 per cent., but his inference is perfectly correct, if the denarius, after the reduction in the weight of the As to an oz. still continued to be exchanged as before for 10 Asses; and as his calculation about the profit gained by passing the gold scripula for 20 sesterces is based upon a sesterce of 400 to the lb., requiring for the denarius a pentobolus, which would have passed for 10 Asses, he really seems to have antedated the change in question by a slip of the pen. Plutarch, writing of the censorship of Cato, renders the 15,000 Asses of Livy by 1500 drachmæ, evidently supposing that the denarius was still passing for 10 Asses some thirty years after the dictatorship of Fabius Maximus; and when Polybius wrote that, in his time, all who were assessed under 400 drachmæ were enrolled in the fleet, he was scarcely familiar with a denarius passing for 16 Asses, for 6400 Asses seems an unlikely amount to figure in the census, which was reckoned by the copper standard.[2]

It would be easy to make the change in question coincide with the Papirian law that reduced the weight of the As to half an ounce, but for a coin in the *Numismata Hellenica* which seems to forbid the supposition. Marked with an X, and *Roma*, it weighs 80 gr. tr., or *eight* Attic oboli, and would have passed for 16 Asses when the Attic drachma was worth 12; so that the denarius would appear to have passed for 16 Asses before it was assimilated to the Attic type. As long as a denarius that was exchanged for 16 oz., or 8 oz. of copper, was also worth 8 Attic oboli, no change was necessary in the regulation about the military pay, for the stipendium reckoned at 4 Asses a day would have

[1] Plaut. *Rud.* v. 2, 26—"Nummi octingenti aurei in marsupio infuerunt, præterea centum denaria Philippea in pasceolo seorsus." The small gold coins were evidently scripulæ.

[2] *Liv.* xxxix. 44; Plut. *Cato*, viii.; *Polyb.* vi. 19. If Mommsen's view is correct, it is difficult to see in what manner the Roman State profited by the changes in the coinage. Assuming the standard of the original denarius to have been 72 to the lb., or 4 scruples of silver passing for 20 oz. of copper, he supposes that it was reduced during the dictatorship of Fabius to 84 to the lb., or 3·43 scruples of silver passing for 16 oz. of copper, which would have been rather less than before (17·15 : 3·43 :: 20 : 4). To me the financial policy of the Romans seems to have been of a much more simple character. By passing an *uncia* of copper, instead of a *dupondius*, for an As, and a *Pentobolus* instead of a *Decobolus* for a denarius, they "paid ten shillings in the pound," as we should do by passing a halfpenny for a penny, a sixpence for a shilling. "Ita respublica *dimidium* lucrata est." In the conclusions drawn by the very able historian whom I have quoted above, about the westward circulation of the Roman currency, and the suppression of local mints, I entirely concur; with the proviso, that the Roman coinage at that time conformed to the standard represented by the Decobolus, or δραχμη παχεια, which was already familiar in the Western Europe of the period in question. The Romans did not, at first, introduce a novel currency, but only reserved to themselves the privilege of issuing the familiar bigati and quadrigati, by supplying or regulating the local mints.

amounted to 240 oboli, whether they were counted as $\left(\frac{240}{8}\text{ or}\right)$ 30 denarii or $\left(\frac{240}{6}\text{ or}\right)$ 40 drachmæ. It was only when the denarius was adapted to the Attic type, and made to pass for 16 instead of 12 Asses, when to *six* oboli was given the value of *eight*, that it became necessary to introduce the regulation by which the stipendium was calculated by an exceptional standard.[1]

It is sometimes assumed, from a comparison of certain passages in Livy and Polybius, that the quadrigatus and the denarius of 84 to the lb. were identical. The deputation from the Roman soldiery who surrendered after Cannæ, declared, according to Polybius, that the terms fixed by Hannibal for their ransom were *three minæ* for each Roman. According to Livy, the Carthaginian general originally demanded 300 quadrigati for every Roman, 200 for every ally, and 100 for every slave, subsequently raising the amount through the deputies to 500 for an eques and 300 for a legionary. It seems rather doubtful whether any certain conclusion can be arrived at from a comparison between these passages, which are very far from identifying the quadrigatus with the Attic drachma of this date; for the "three minæ" of Polybius were hardly Attic minæ, as not a single instance can be brought forward in which the Attic talent was used in any of the transactions between the Carthaginians and the Romans. If it is to be assumed that the "three minæ" represent 300 quadrigati, if the mina was of the Sicilian standard, the coin would have been a decobolus; if the mina was the Roman pound—the mina of 84 denarii to which Pliny alludes—the coin would have been a pentobolus; but perhaps it may be doubted whether the conqueror would have fallen in so readily with the reduction in the Roman coinage in the previous year. Livy writes of "nummi denarii" in early times as coins of the copper standard, but he never calls the "nummus quadrigatus" a denarius, nor indeed does he ever apply that name to a silver coin before he makes the calculation about the Roman captives in Achæa. Denarii began to flow into the Roman treasury about the same time as the Illyrian Victoriatus first appears upon the records, and Livy seems to have always understood an Attic, or Greek, drachma, or a coin of a similar type, after he begins to apply the name to a silver coin.[2]

The old Roman pound, though apparently forgotten, may have lingered on in Western Europe as a moneyer's weight. Towards the close of the thirteenth century, the earlier standard coin of Byzantium was replaced in Western Europe by the gold florin of Florence, the original of all the ducats and gold crowns of comparatively recent times. A hundred of these florins would have been coined out of the sterling pound, for when Edward III. issued a gold coinage of 50 to the lb. in 1343, each coin was to weigh "two petits florins de Florence of full weight," thus giving to the standard coin a weight of $\left(\frac{5400}{100}\text{ or}\right)$ 54 gr. tr. The same florin was the type of the original petit royal of France, coined "as of old," or at the customary standard, at 70 to the marc, in 1305, and identified in 1313 with the florin de Florence, reckoned at 70 to the marc, thus confirming the weight assigned to it above of $\left(\frac{3778}{70}=\right)$ 54 gr. tr.; though in Germany, from adapting the ducat to the standard of the mint, and coining 67 instead of $66\frac{2}{3}$ out of the Cologne marc, the amount of fine gold in the standard coin was infinitesimally diminished. About the middle of the fourteenth century, 50 florins of Florence were worth 52 florins of Dauphiné, thus giving to the latter a weight of $\left(\frac{2700}{52}\text{ or}\right)$ 51·92308 gr. tr.; and as 65 florins of Dauphiné, or 64 Pontifical florins,

[1] Leake, *Num. Hel.* p. 141. "The weights," says the same authority (p. 142), in reference to the copper coinage, "will not agree with any of the three reductions mentioned by Pliny; it seems evident, therefore, that besides those he has mentioned, there were several intermediate reductions," a remark that might also be extended to the silver coinage. As at Athens, there were Dioboli, Trioboli, and other subdivisions of the drachma, so amongst the older Roman coins will be found lesser multiples of the obolus than the decobolus.

[2] *Polyb.* vi. 58; *Livy*, xxii. 52, 58; viii. 11; xxxiv. 50.

"twenty-four carats fine," went to the *Marca Romanæ Curæ*, the standard marc of the Papal Court must have then weighed (65×51·92308 or) 3375 gr. tr., *eight* ounces of a pound of 5062·5 gr. tr.—the old Roman pound, exactly in the quarter in which some traces of it might be expected to linger.[1]

APPROXIMATE STANDARDS.

A.

Talent of 120 lbs.	=	607,500 gr. tr. / 39363·75 grammes.
Mina of 2 lbs.	=	10,125 gr. tr.
Drachma of 5·76 scr.	=	101·25 „
Obolus of ·96 scr.	=	16·875 „

B.

Talent of 100 lbs.	=	506,250 gr. tr. / 32803·125 grammes.
Mina of 20 oz.	=	8437·5 gr. tr.
Siglos of 4·8 scr.	=	84·375 „
Obolus of ·96 scr.	=	16·875 „

C.

3000 Darics	=	76·8 lbs. or 388,800 gr. tr. / 25192·8 grammes.
50 „	=	15.36 oz. or 6480 gr. tr.
1 „	=	7·3728 scr. or 129·6 gr. tr.

D.

Talent of 80 lbs.	=	405,000 gr. tr. / 26242·25 grammes.]
Mina of 16 oz.	=	6750 gr. tr.
Drachma of 3·84 scr.	=	67·5 „
Obolus of ·64 scr.	=	11·25 „

E.

Talent of 72 lbs.	=	364,500 gr. tr. / 23618·25 grammes.
Mina of 14·4 oz.	=	6075 gr. tr.
Drachma of 3·456 scr.	=	60·75 „
Obolus of ·576 scr.	=	10·125 „

F.

Talent of 90 lbs.	=	455,625 gr. tr. / 29522·75 grammes.
Mina of 18 oz.	=	7593·75 gr. tr.
Drachma of 4·32 scr.	=	75·9375 „
Obolus of ·864 scr.	=	15·1875 „

G.

Talent of 54 lbs.	=	273·375 gr. tr. / 17713·675 grammes.
Mina of 10·8 oz.	=	4556·25 gr. tr.
Drachma of 2·592 scr.	=	45·5625 „

H.

Talent of 250 lbs.	=	1,265,625 gr. tr. / 82008 grammes.
Mina of 2 lbs. 6 oz.	=	12,656·25 gr. tr.

3000 Aurei	=	75 lbs. or 379,687·5 gr. tr.
50 „	=	15 oz. or 6328·125 „
Aureus	=	7·2 scr. or 126·5625 „

---

[1] *Ruding*, vol. ii. pp. 89, 160; *Le Blanc* (edit. 1692), pp. 180, 194; Ducange *Marca*, *Florenus*. The ounce of gold contained 8 florins of Florence, the marc 64, the pound 96, each representing respectively the ounce, marc, and pound of the Tournois standard (432 gr. tr., 3456 gr. tr., and 5184 gr. tr.), and as the florin of Florence was coined at 100 to the sterling pound, so the florin of Dauphiné may have been coined at 100 to the Tournois pound, or its equivalent, the gold-weight of Florence. This would give the florin of Dauphiné a weight of 51·84 gr. tr., the Roman marc a weight of (65×51·84=) 3370 gr. tr. and 5055 gr. tr. to the Roman pound. The result is close enough after the lapse of so many centuries. In the reign of Edward I. a pound of Easterling money was bound to contain, "as of old," 12 oz. of Guthrum's Lane silver, 11 oz. 5 dwt. 1 ferling fine to 17 dwt. 3 ferlings of alloy, or 5000 gr. tr. of fine silver to 400 of alloy, thus giving $\left(\frac{5000}{240}\right.$ or$\left.\right)$ 20·8⅓ gr. tr. of fine silver to each sterling penny. Every "pound of account," however, was bound to *weigh* 20 oz. 3 dwt., thus adding 62·5 gr. tr. of fine silver, and raising the total amount to 5062·5 gr. tr., or a Roman pound. Fifteen-sixteenths of the Tower pound, therefore, amounting to $\left(\frac{5400\times15}{16}=\right)$ 5062·5 gr. tr., or a Roman pound of fine silver, were distributed over the 243 dwts, or a sterling pound of account; and if the Tournois pound is similarly divided $\left(\frac{5184\times15}{16}=4860\right)$ the Byzantine pound appears. Is the coincidence entirely accidental?

K.

Talent of 20 lbs.	=	101,250 gr. tr. 6560·625 grammes.
Mina of 4 oz.	=	1687·5 gr. tr.
Litra of ·94 scr.	=	16·875 ,,
8 Litræ, or Gold Stater,	=	135 gr. tr.
24 ,, or Gold Talent,	=	405 ,,
Roman Pound,	=	5062·5 gr. tr. 328·031 grammes.
Ounce,	=	421·875 gr. tr.
Denarius,	=	60·268 ,,
Scripulum,	=	17·578125 ,,
Decalitron,	=	168·75 gr. tr.
Decobolus,	=	112·5 ,, 101·25 ,,
Pentobolus,	=	50·625 ,,
Pound of Constantine,	=	5670 gr. tr. 367·395 grammes.
Marc,	=	3780 gr. tr.
Ounce,	=	472·5 ,,
Byzantine Pound,	=	4860 gr. tr. 314·91 grammes.
Marc of 4608 grains	=	3240 gr. tr.
Ounce of 576 ,,	=	405 ,,
Solidus of 96 ,,	=	67·5 ,,
Drachma of 72 ,,	=	50·625 ,,
Gramme of 24 ,,	=	16·875 ,,
Obolus of 12 ,,	=	8·4375 ,,
Keration of 4 ,,	=	2·8125 ,,
Milliarensis,	=	69·5 gr. tr. 81· ,,
Centenionalis,	=	48·6 ,,
Keration,	=	40·5 ,,
Follis,	=	5·4 ,,
Denarius,	=	16·2 ,, 20·25 ,,

A.

The Talent of the Islands, the Sicilian, early Æginetan, and apparently early Syrian standard—perhaps the Euboic also. In measures of capacity it represented the ordinary medimnus of six modii, in use amongst the Romans, often known as the Sicilian medimnus, and probably in general use amongst the Greeks in early days. The Æginetan coinage of the era of the δραχμη παχεια conformed to this standard, as well as the copper coinage in general use, apparently, throughout Greece, Italy, and Sicily in the days of Aristotle, when the *uncia* and the *chalcos* were identical. The Roman pound was a lesser mina, or *hemina*, of this talent, divided upon the duodecimal instead of the decimal principle; the uncia, stater, sicilicus, and scripula, representing the tetradrachmon, didrachmon, siglos, and obolus or litra, slightly raised in weight in the proportion of 25 to 24.

B.

The standard of the Persian silver coinage in the days of Xenophon, to which in the time of Aristotle the silver currency of Corinth conformed, when 20 sigli—10 staters or decalitra—would have passed for a gold Daric. The early silver currency of Sicily, the first with which the Romans were acquainted, also conformed to this standard, which seems to have been the commercial weight in general use in the days of the Persian empire. It lay at the base of the Italian measures of capacity, and was adapted to the Roman system as the decemmodia, or measure of ten modii, representing a large or double talent. It seems traceable in some of the old copper coins occasionally found in Asia Minor and elsewhere—as might be expected, for a local coinage in copper was often allowed, after the right of issuing a currency in gold

and silver had been withdrawn, or only retained in the case of silver under restrictions. Both these talents seem to have been based upon a common origin, one representing the duodecimal, the other the decimal, system of calculation.

C.

A Persian gold talent in the days of Xenophon, when the proportion between gold and silver in the Persian empire seems to have still remained at 13 to 1, the standard assigned by Herodotus to the reign of Darius.

D.

Attic silver-weight, the monetary talent of Athens in the time of Xenophon and Aristotle, and the general standard of the currency under the Macedonian empire, when it became the local standard of Alexandria, apparently, and hence, perhaps, was known to Varro and others as an Egyptian talent. It stood in the proportion of 25 to 24 to the Persian gold talent, with which it seems to have been very closely connected. A Daric would have passed for 25 drachmæ. This was the scientific standard of the East.

E.

The lighter talent, weighing a *tenth* less than silver-weight, which was familiar to the Romans of the republic and early empire as Attic-weight, and known occasionally as the Roman talent. It appears to have been the scientific standard of the West, and the basis of the earlier measures of capacity known as Attic. It was the monetary standard of Tyre and Judæa in the days of Josephus, and probably of all the provinces which, without a coinage upon a local standard, used that of Rome, and calculated by the mina and talent instead of the pound. The drachma, coined as the denarius at 84 instead of $83\frac{1}{3}$ to the pound, shrunk infinitesimally in weight, 25 passing for an aureus, until the silver coin dwindled away, and disappeared from the circulation.

F.

Often called the Ptolemaic talent, a *tenth* less than the standard of the Persian silver currency. It was the standard of the local coinage of Rhodes, Pergamus, and many other parts of Asia Minor, as late as the reign of Vespasian, when a Rhodian drachma passed for a denarius and a quarter, or 4·32 scruples of silver, a cistophorus for twice that amount, each coin representing respectively the drachma and didrachmon of this talent, 20 of the former, 10 of the latter passing for an aureus. The Hebrew measures of capacity, in the time of Josephus, were based upon this standard, which he calls *Attic*, probably because it seems to have replaced the earlier Persian talent as the general commercial weight of the East under the Macedonian—Greek or *Attic*—empire. The later Attic measures conformed to it.

G.

The standard of the local coinage of Syria under the Flavian emperors, when a tetradrachmon of Antioch passed for 3 denarii, giving to the drachma a standard of 2·592 scruples. The mina was thus a *tenth* less than the Roman pound, apparently connecting the early Syrian talent with the standard of *A*.

H.

The Hebrew talent of the time of Josephus, representing 100 minæ, or 10,000 coins of the standard of the original aureus. A mina calculated on the Persian system, or 50 aurei, was a hemina of this standard.

K.

Known occasionally as the Egyptian, sometimes as the lesser Ptolemaic, talent, in which the obolus, or litra, represented the drachma. It was evidently the standard to which the early Sicilian coinage conformed, the gold talent representing the sixteenth portion of a mina of 48 staters, or 50 Darics.

As the hyperpyrus was of the purest gold, 24 carats fine, its value at the present time, reckoning the Troy grain of fine gold at 2·12385 den., would be 11 sol. 11·36 den., or for all practical purposes, 12 shillings. This would give a value of £1, 4s. to the gold stater of the full standard of 135 gr. tr.; £1, 3s. to the Persian Daric; £1, 2s. 6d. to the original aureus; and £1 to the aureus of 45 to the Roman lb., always assuming that the coin in each case reached the full standard, and was struck in the finest gold. In the same way, the standard gold florin of Florence, 24 carats fine, weighing 54 gr. tr., that replaced the hyperpyrus towards the close of the thirteenth century, may be reckoned at 9s. 6d. It is more difficult to give the present value of old silver coins in English money. Before 1816, when the shilling was coined at 62 to the lb., and standard silver was reckoned at 5s. 2d. per oz., the coin of full weight corresponded with its actual value, containing 85·935 gr. tr. of fine silver, and thus giving 7·16125 gr. tr. of fine silver to the penny, or 240th part of a pound. Since that date, 66 shillings have been coined out of the lb., but they are not "a legal tender" for £3, 6s., for the coin passes above its intrinsic value; a sovereign is worth at least 21 shillings, and 80·727 gr. tr. do not represent the true value of 12 pence, or the sovereign would be only worth 23·28 francs. Every valuation, accordingly, that is based upon the value given in England to the amount of fine silver contained in the shilling is slightly in error. Professor Hussey, for instance, reckoning the amount of fine silver in the Attic drachma at 65·4 gr. tr., values the coin at 9·72 den., or above the franc

containing 69·4 gr. tr., or four grains more of fine silver. Silver coins, therefore, should be valued either by the old standard, giving 7·12385 gr. tr. of fine silver to the penny, or in French centimes. The old Attic coinage was famous for its purity, containing only $\frac{1}{60}$ of alloy, which would give to the drachma (67·5 – 1·125, or) 66·375 gr. tr. of fine silver, worth (95·64, or) about 96 centimes, or a little over 9·25 den., reckoning the value of the centime at ·694 gr. tr. of fine silver. A talent of Attic silver, weighing not less than 80 Roman lbs., as stipulated in the treaty between the Romans and Antiochus, would thus be worth at the present time (5728·40, say) 5760 francs, or about £230. The Attic obolus may be reckoned at (15·94, or) 16 centimes, the litra at (23·91, or) 24; and as Xenophon estimates the value of the Persian siglos in Attic oboli, whilst the litra was, according to Aristotle, worth half as much again as the obolus, a fair approximation can be attained to the value of the other standards. The Roman denarius, if coined at the same standard as the Attic drachma, would have been worth about 86 centimes, or a little over 8·25 den., giving 72 francs, or about £2, 18s., to the Roman pound of coined silver.

Table of Weights.

Troy Pound,	=	5760	gr. tr., or	373·233 grammes.
Tower Pound,	=	5400	,,	350 ,,
Sterling Dwt.,	=	22·5	,,	1·458 ,,
Marc de Troyes,	=	3777·6	,,	244·772 ,,
Marc Tournois,	=	3456	,,	224 ,,
Tournois Pound-weight,	=	5184	,,	336 ,,
Marc de la Rochelle,	=	3556	,,	230·4 ,,
French Sterling Pound,	=	5333	,,	345·6 ,,
Esterlin de Poix,	=	22·2212	,,	1·44 ,,
Marc of Castille,	=	3550	,,	230 ,,
Cologne Marc,	=	3608	,,	233·79 ,,
Vienna Marc,	=	4320	,,	280 ,,
Augsburg Marc,	=	3643	,,	236·05 ,,
Copenhagen Mint-weight (double marc),	=	7266	,,	470·85 ,,
Veitszlo Pound (silver-weight),	=	6563	,,	425·275 ,,
Swedish Mint Ore,	=	405	,,	26·2425 ,,
Norwegian Ore,	=	412·5	,,	26·72 ,,

Paris Gramme,	=	15·433 gr. tr.
Paris Grain,	=	·8198 ,,
Grain Troy,	=	·0647974 grammes.

PART THE SECOND.

I.—Early Substitutes for a Coinage.

It was a settled principle under the later emperors to guard with jealous care the secrets of certain State monopolies. In the imperial *Gynæceia* alone were woven the costly vestments distributed by the Emperor, in token of official dignity, to clergy as well as laity; for he who held office under the State, or inherited the capacity of doing so by birth, could alone aspire to stand out from the plebeian and servile orders as a Decurion. No private person was allowed to make *paragaudæ*, the official fringe of gold, or of twisted silk and gold, or to use unmixed the *cruor conchyli*, the dye of the *murex*, or purple-fish, that communicated its deep red hue to the imperial *porphyry*. Within the walls of these Gynæceia none found employment who were not Fiscal serfs, to whom intermarriage beyond the limits of their class was strictly forbidden; all transgressors of this law, if free, being reduced with their children to the condition of Fiscal serfs, to be employed henceforth in the service of the Emperor, lest the secrets of the State monopoly should permeate into the outer world. The mint was as jealously guarded as the factory, and the *Monetarius* was a Fiscal serf, bound by the same restrictions as the *Gynæceiarius* and the *Murilegulus*.[1]

Released from the obligations of the imperial code, after the fall of the Western Empire and the irruption of the Northern tribes, a class of this description must have soon ceased to exist as a special caste under the rule of their new masters, and accordingly the *Monetarius* seems for some time to have generally been a prominent citizen in some city, licensed by the king or other authority to coin money. "An honourable man of the name of Abbo, an approved goldsmith, . . . filled the office of Fiscal moneyer in the city of Limoges,"—such is the description of a monetarius under the early Merovingians given by Gregory of Tours.

[1] The various rules and regulations to which I refer will be found in the *Cod. Theod.* The Decurio, and filius Decurionis, the Plebeius, and the Servus of the law of Constantine (*ad an.* 319, l. ix. t. xxi. c. 1), answer exactly to the Noble, Free, and Servile orders of the Germanic codes. After the adoption of Christianity as the religion of the empire, service in the Church was in course of time supposed to confer the same nobility as service to the State. The seven orders of the priest, by Anglo-Saxon law, gave him *thegn-right*, and members of the priesthood were authorized by the head of the State to assume vestments in accordance with the rank and dignity of the offices they filled.

In imitation, apparently, of the system of the Eastern Emperors, Charlemagne revived the monopoly of the coinage, and no denarii were allowed to be coined "except in our palace;"—a restriction relaxed by his successors in favour of a few leading cities, and notably of Quentavic on La Canche, the leading port of communication with England, which claimed the privilege of a mint "of ancient custom;"—an incidental testimony to the great intercourse between Gaul and Britain from very early times. The privilege of coining money, so lavishly conceded in a later age to the leading magnates, lay and ecclesiastical, as well as to the greater cities, marks the decay of the imperial or royal power, whilst, on the other hand, the extent and progress of the king's authority over Saxon England may be traced in the localities of the royal mints before the Conquest.

Skilful armourers were still unknown amongst the Franks in the middle of the sixth century, because they were not wanted, and, for a similar reason, some time must have elapsed before the monetarius, as a skilful craftsman, penetrated beyond the boundaries of the old Roman provinces. Various substitutes, however, existed for a metallic currency, or rather coinage. Cattle passed from very early times at a fixed value as money, *feoh*, or *pecunia;* hence the high valuations of the *eye*, the *horn*, and the *tail*, in Ini's laws, for "the best beast," was always insisted upon, and a mutilated animal was "bad money," the malicious injurer of his neighbour's means of paying "rent and taxes" being apparently amerced in the estimated amount of the depreciation. A very ancient and wide-spread custom was that of reckoning the ox as a νομισμα, or measure of currency. "Let him pay ten oxen," say the laws of Draco, quoted by Pollux; and in the well-known lines of Homer, the golden armour of Glaucus, and the brazen armour of Diomed, are valued not in money, but in oxen. When a man was bribed to silence, the Greeks used to say, "He has an ox on his tongue;" and though the learned choose to explain the proverb as if it referred to "a coin with the impress of an ox," the beast passed as money long before his image was stamped upon a bit of metal. This cattle-tribute, known in England as *Nowt-geld*, or Cornage, affords a very fair criterion of the state of the society in which it prevailed. Thus the Continental Saxons, in the days of Charlemagne, evidently paid the greater part of their tribute in cattle and produce rather than in coined money, and the value of the animal according to his age and condition, with the amount of grain or honey passing for a solidus, was carefully laid down in their laws. The beast remained stationary in value between autumn and spring, thriving little apparently as a "winter-steal" upon bad hay; but the valuations in Ini's laws are not repeated in any of the later English codes, and the custom of estimating payments in cattle would appear to have died out in the South-country at a comparatively early period, its cessation dating at any rate from the establishment of a royal moneyer in the most important burghs, if not before. In the Welsh and Scottish laws, however,

of a much later date, assessments were still reckoned by "the cow," as well as by the penny, the ox, and the shilling, and *nowt-geld* long continued to be the "custom of the country" in the north of England; for, at the date of the Conquest, there was but *one* mint in existence—at York—throughout the whole of the great Northumbrian provinces and St. Cuthbert's territory, whilst, in the wild western districts, gradually known as the counties of Cumberland and Westmoreland, cornage continued to be nearly the only tenure for several generations after the Norman Conquest.

The collar and the armlet, the Celtic *torque*, the Teutonic *beag*, were at one time familiar, in a certain sense, as "a currency" throughout the North. The beag was originally the ornament of the *Godr*, or member of the sacred race, whenever he officiated at a sacrifice; and to swear upon the "holy beag" was the most solemn oath known to the heathen Northmen when they invaded England. It was probably amongst the earliest marks of nobility, and is still traceable as such under the form of the nobleman's coronet, though the "circlet of gold" is now supposed to be worn upon the head instead of as an armlet or collar. Kings, the "ring-givers" of the scop or bard, bestowed such ornaments upon their followers as marks of royal favour, to be resumed apparently in case of misconduct; for the earliest name for a fine seems to have been *Baug*, and in the laws of Æthelbert the *regius bannus*, or fine of fifty scillings due to the king for killing a Kentish Leud, is called the Drihten-*beah*, or "lord's-ring." From a passage in the Scop's Tale, a fixed and legal value would appear to have been set upon the beag, according to its intrinsic worth, from an early date, and it would seem to have been as much a recognised type of value in its way as the ore or pound. "He gave me a collar, on which were scored six hundred sceats of beaten gold reckoned in scillings, which I to Eadgils gave, my patron lord, . . . because he had given me land, my paternal heritage." The beag thus presented to the bard seems to have represented a certain amount of solidi aurei, or golden scillings—mancuses or bezants—beaten out into a collar or armlet; and the use to which he put it in "relieving" his paternal heritage finds a parallel amongst the Anglo-Saxons of the tenth and eleventh centuries in the *Heriot*, in which the beag, reckoned according to its value in mancuses of gold, plays a conspicuous part. A relic of this period may have also survived, perhaps, in the name of *Batz*, or *Batzen*, applied to a coin once current in Southern Germany and Switzerland, meaning, in its original sense, a link or pendant of a chain.[1]

Both before and after the issue of a coinage, uncoined bullion, passing by weight, continued to be used as an ordinary medium of exchange. In

[1] *Scop's Tale* (Thorpe), l. 180. Nothing shows more clearly the manner in which gold passed by weight in Northern Europe than the wording of two charters, in which the "pateram, centum auri siglis appendentem" of the first is rendered in the second by "datis centum viginti auri mancusis."—Thorpe, *Diplom.*, pp. 164, 258. The use of *centum* in the earlier charter for *six* score is also worthy of remark.

a hoard discovered at Cuerdale were found ingots of silver, many of them stamped with a cross, and generally averaging about eight ounces of the Tower standard in weight, evidently representing the *marc* of silver in its true and original form; whilst there were also numerous fragments of ingots, and portions of silver ornaments and rings—Beags—which would have passed, according to their weight, as *scillings* and *ores*.[1] Cattle, produce, and bullion in any shape, must have been always acceptable from possessing a certain intrinsic value; but the coin which, even in its purest form, is worth less than bullion, necessarily implies in the issuer the power of enforcing its circulation. The penalties in the Capitularies and other early laws, for refusing coins of pure metal and full weight, disclose the reluctance with which *denarii* were originally received in the place of *solidi*, and it may be safely assumed that they were never issued until after the establishment of the royal authority. Beyond the limits, therefore, of the old Roman provinces, the king, or the king's authority, preceded the coin which, on its first appearance, was probably of a rude and simple description. *Lög-silfr*, or the legal currency, according to the Icelandic code of the thirteenth century, was bound to "stand cutting," in other words, the silver and alloy were to be properly amalgamated, so as to avoid such accidents as befell a follower of Harald Hardrada, who tossed his pay into the air, says the Saga, and all the silver fell off from the base metal; a story that tells little for the capacity of the Norwegian moneyers in the middle of the eleventh century. Hence, in the absence of the skilled monetarius, the earliest form of the coin was probably the "beaten sceat," or bracteate—the *ore* or *scilling* was beaten flat and cut into sceats, or *bits* of metal, which were rudely stamped upon one side. An alloyed coinage, in which the coin retained its proper weight, whilst diminishing in value, was the work of a more experienced class of moneyers.

Cloth, to use the word in its widest sense of *clothing*, passed as a sort of currency that lingered longest in the north of Europe under the name of the *marc-Wadmal*, and amongst the Frisons as the *Hreil-merk* of four *Weden; Rail* and *Weed* would have conveyed the idea of clothing to our own ancestors. Amongst the Norwegians, six *Ells* went to the ore of Wadmal, twelve in Sweden; and Wadmal supplied the place of *Lög-silfr*, the ordinary or legal currency, before the existence of an alloyed coinage. The ell was subsequently coined as a penny of 4 skillings, just as the *Wede*, or ore of the Hreil-merk, became a skilling of 12 pence, instead of the twelve measures of cloth which it probably once represented. The Frison *Leinmerk* may also be supposed to have originally been a measure of linen or flax; but it is not in Northern

[1] Lingard, *Ang.-Sax. Church*, vol. ii. p. 441. He writes, "eight ounces and a quarter," evidently meaning Avoirdupois ounces, for 8·25 × 437·5 gives 3609·375 gr. tr., the weight of the Cologne marc (= 3608 gr. tr.) In all such calculations, the standard of weight should be given, and the Troy lb. should be used, if possible, for it is in close connexion with all the older standards, which is not the case with the present standard of Avoirdupois.

Europe alone that *Cloth-marcs*, or their equivalents, are traceable. The literal meaning of the word *Vellon*, from which *Billon* is derived, is *wool*, and the *Vellon* coinage of Spain would thus appear to have been originally a currency in wool, a sort of cloth-marc, before the introduction of the alloyed coinage, or *Lög-silfr*, which has perpetuated the name of *Billon;* whilst, in the local pounds of Arragon and Catalonia, the weight answering to the *Adarme* is known as *Ariense*, or "young ram," telling of an era in which the sheep, or its fleece, passed for money; for the *Ariense* was once a coin, answering apparently to the Sterling penny. Sheep took the place of cattle to the southward of the Pyrenees, where the flock, rather than the herd, constituted the wealth of the *Ricos Ombres* in early days.

II.

Currency of the Early Franks and the House of Capet.

Gold continued to be the standard of the currency in the old Roman provinces after the fall of the Western Empire, the solidus and tremissis alone appearing in the Burgundian Laws, compiled about the opening of the sixth century; for they contain no allusion to a denarius, or to a silver currency. The gold coin, however, must have fallen below the original standard of value, for an edict of Majorian, dated in 458, prohibited the circulation of the Gallic solidus within the Empire on account of the inferiority of the gold, four different gold coins being subsequently, some fifty or sixty years later, refused currency in Gaul itself, within the frontiers of the Burgundian kingdom. Silver denarii were current amongst the Western Franks by this time, forty passing for a solidus; and as the Merovingian denarius, at its full standard, seems to have been identical with the Byzantine scruple, or gramme, an aureus of full weight would have passed for (40 × 16·875, or) 675 gr. tr. of fine silver, or in the proportion of *ten* to *one*. By the edict of Pistoia, dated in 864, the finest gold passed in Italy in the proportion of *twelve* to one; the proportion of inferior gold towards silver being fixed at *ten* to one. Gallic gold, once famous for its purity, had deteriorated in quality before the time of Clovis, and the depreciation in the value of the Gallic solidus may account for its passing for only forty scruples of silver, or in the proportion of *ten* to one.[1]

The solidus continued to be coined in gold under the Merovingians,

[1] *Major. Novell.* vii. 14, *de Curialibus; Leg. Burg.* (Pertz) c. vii. 6; *Edict. Pist.* c. 24 (Pertz, *Leg.* vol. i. p. 494). The Merovingian deniers, according to Le Blanc, contain $\frac{2}{3}\frac{3}{4}$ of fine silver, and weigh a little under 21 gr. Paris, or a Byzantine gramme (= 20·57 gr. Paris). For the proportion between gold and silver *vide* Note B.

generally, if not always, in the provinces to the southward of the Loire. It was probably superseded in course of time for general use by the Mancus, a weight of forty scruples, or thirty Sterling pence; and this epoch in the Merovingian system of currency would appear to be reflected in the Scilling and Sceat of the Kentish Laws, the former a half-mancus, the latter a scruple, or Merovingian denier. The mancus of thirty pence was a familiar standard of reckoning amongst the Anglo-Saxons in the days of Alfred, and it will be found in the so-called Laws of Henry I., where it is occasionally confounded with the marc. It appears in a diploma of the Emperor Henry II.; and in Europe, to the northward of the Alps and of the Pyrenees, the name seems to have generally been applied to the silver-weight, or solidus of thirty Sterling pence; for when a gold coin is meant—an aureus siclus, gold schilling, or bezant—the expression generally used is "gold mancus," or "mancus of gold." Beyond the limits of "Roman France," the Sextula of the Byzantine pound, or monetary standard of the Western Franks, seems to have been struck in silver, and used very generally as a solidus, long remembered in England as the *Thryms*, or Tremissis, the third part of the Loth, or light-ounce of the half-marc. It was better known amongst the Northmen as the *Silfur*, and it seems to have been current in Germany, and apparently in many parts of England, as the original *Scilling* or *Schilling*. Little can be said upon the subject of the later Merovingian coinage beyond its evident depreciation. The Old Saxons and the Frisons, before they were familiarized with the *Nova Moneta*, continued to be assessed in certain cases by the solidus of forty deniers, the earlier standard of the Western Franks; and, as it may be gathered from the valuation of the *Liber* in the Frison Wergilds, that 160 new pence, or a marc of Sterlings, passed for 66 oz. of "old money," the deterioration in the earlier coinage must have been considerable.[1]

The Austrasians would appear to have adopted from the first a different system from their Western kindred, and their standard of weight is often called in old authorities "the Gallic pound." "From every mansus a solidus, that is *twelve* pence;" so runs a decree of Carloman, the son of Charles Martel, dated in 743, and when the Ripuarian code assumed a written form, a solidus of *twelve*, and a tremissis of *four* pence were in use in this quarter, "sicut antiquitus constitutum." The earliest known attempt at rectifying the currency was made in 756, by Pepin, who ordered that "no more than twenty-two solidi shall be cut from the *Libra pensans*," or standard of weight; and a decree of his son Charles, promulgated about twenty-five years afterwards, enacted that "on and

[1] *Alf. and Guth.* 3.; Muratori, *Ant. Ital.* tom. ii. p. 798. In the Frison Wergilds (*Scotland under her Early Kings*, Ap. E), the *Liber* "between Flo and Sincfal" is reckoned at 50 sol., and in *Addit.* iii. 58, at 53 sol. 1 den., or 160 pence, thus identifying his assessment with the other Wergilds. As the fine for a *cladolg*, a claw wound or scratch with the nail that drew no blood, is reckoned at 30 Frison pence, the "old pence" were evidently of little value, passing apparently in the proportion of 8 to 1.

after the month of August 781, the new pence that bear our name, and are of full weight, shall be current." Re-establishing a coinage of full weight and pure metal, Charles adopted, or confirmed, a silver standard, the solidus ceased to be struck in gold, and the Eastern Emperors and Khalifs long continued to supply the sole gold coinage current in Western Europe. From this time forward the *Libra denariorum*, or pound of coined money, began to take the place of the solidus as the standard of calculation; bits of uncoined bullion, always readily received, ceased to be issued from the moneyer's hand, and the solidus itself sunk by degrees into "a money of account."[1]

The descendants of the Austrasian Pepin introduced the penny of the Austrasian pound; changes of this description, from time immemorial, often accompanying the establishment of a new dynasty. The Western Franks, however, seem to have retained the use of their earlier standard of currency, for it will be often found that, in this quarter, *eighteen* pence were given to the ounce, *eighteen* solidi to the pound, or *twelve* to the marc; in other words, they adapted the *nova moneta* to the Byzantine pound. The imperial currency continued to be regulated by the enactment of 781 until after the division of the Empire in the middle of the ninth century, when Charles the Bald, as the sovereign of the Western Franks, seems to have reverted to one of their earlier standards. His coins average 32 gr. Paris, or $\left(\frac{576}{32}=\right)$ *eighteen* pence to the ounce of the old Livre de Troyes, or the heavy pound of Constantine, which he thus appears to have adopted as the standard of the currency of "the Western kingdom." From the accession of the House of Capet may be dated the introduction of the Livre Tournois, at any rate as the standard of Southern France, and the denier under the third race gradually shrunk into the old Merovingian type, averaging about 20 gr. Paris.[2]

[1] Pertz, *Leg.* vol. i. pp. 18, 31, 41, 72; *Lex Rip.* tit. xxiii., xxxvi. The solitary denier of Pepin from which a judgment can be formed weighs "23 grains trebuchans" (turning the scale), but those of his son Carloman, which must represent with the greatest accuracy the standard between 756 and 781, weigh 24 grains trebuchans, or a denier of the Troyes standard, 24 to the oz., about 19·675 gr. tr., approaching very closely in weight to the coins struck in England a little later. The deniers of Charlemagne average between 27 and 28 gr. Paris, and as 27·5 gr. Paris = 22·5 gr. tr., or a sterling penny of 32 wheat-corns, the *Pondus Caroli Magni* must have approached very closely to the standard of the Tower pound and the Cologne marc. My authority is *Le Blanc* (edit. 1692.)

[2] According to Le Blanc, some of the earlier deniers of the third race average 24 gr. Paris, giving $\left(\frac{4608}{24}\text{ or}\right)$ 192 to the marc de Troyes, or the full amount of 288 to the pound. Others average 22 gr. Paris, giving $\left(\frac{4224}{22}\text{ or}\right)$ 192 to the marc Tournois. Hence I imply the use of both standards under the House of Capet. The influence of the Marc de Troyes is traceable in the Frison little pound of 7 schillings, or half-marc de Troyes; in the *Tremissa* of the Bavarian lb. weighing 7 pence, or a third of the oz. de Troyes; and in the addition at some remote period of a penny to every oz. of the Cologne marc, raising it from 13 sol. 4 den. to 14 sol. The return to the Caroline standard marks the separation of the Easterlings from the Western Franks in "Roman France," and the rise of the kingdom of the Four Deutschlands.

French money continued to be coined from silver $\frac{23}{24}$ fine until the opening of the twelfth century, when in 1103, towards the close of the reign of Philip I., "great tribulation arose," according to the Chronicle of Maillezai, on account of the depreciation of the currency, a third of copper being mixed with the silver, so that the current pound only contained a marc of fine silver. From this reign the French calculated by the marc as the standard of weight, using the pound henceforth only as a measure of the currency. A further deterioration is placed by the Chronicle of Meleac under the year 1120, when the money of Compiegne was allowed to remain at "half alloy;" and as the marc of fine silver passed in 1144 for 40 sol., or two pounds, the current pound only contained at this time 4 oz. of fine silver, and had thus shrunk into the half-marc. A few years later, in 1158, a marc of English sterling pence passed for 53 sol. 4 den., or *four* marcs Tournois, so that the Livre Tournois only contained at that time 3 oz. of fine silver; and as throughout the reign of St. Louis, and until the great depreciation of the currency in the time of Philip le Bel, the Esterlin continued to pass for *four* deniers Tournois, this may be regarded as the correct standard of the Tournois currency for about a century and a half, being referred to in later times as "the standard of St. Louis." The Angevin pound, the ordinary standard of the currency in the continental possessions of the early Plantagenets, seems to have corresponded at this time with the Livre Tournois, for *four* Angevin pence passed for an Esterlin in 1190, and 500 marcs of silver were repaid, in 1202, in three instalments, each of 400 Angevin lbs., with an additional 50 marcs of silver. Hence 1200 Angevin lbs. passed for (500—50, or) 450 marcs, or 300 lbs. of sterling silver, thus identifying the Angevin standard with the Tournois.[1]

The Paris currency, however, retained its original standard, for in the will of Philip Augustus, dated in 1222, the Paris marc still passed for 40 sol., or two current lbs., so that the Livre Parisis was still identical with the half-marc. Thus during the greater part of the twelfth and thirteenth centuries there were *two* standards of the royal currency in France, the Livre Parisis containing *four* oz., or a half-marc, of fine silver, evidently the standard of the North, long remembered in the Low Countries as the "little pound" of seven shillings, and the Livre Tournois, or standard of the South, only containing *three* oz. or a quarter of a lb. of fine silver. As the Livre Tournois, at the standard of 3 oz., would only have weighed 20 Gros deniers, the latter, when coined in silver $\frac{23}{24}$ fine,

[1] *Le Blanc*, pp. 146, 148, 152, 153, 172; *Ben. Ab.* (Stubbs), vol. ii. p. 132; *Rot. Pat.* (Hardy), vol. i. pt. i. p. 4. At 3 oz. or 1296 gr. tr. of fine silver to the Livre Tournois, the denier of St. Louis would have contained $\left(\frac{1296}{240}\text{ or}\right)$ 5·4 gr. tr. of pure metal. According to Le Blanc it was coined at 220 to the marc (de Troyes), and contained 3·75 parts of fine silver to 8·25 of alloy, thus weighing $\left(\frac{3777{\cdot}6}{220}\text{ or}\right)$ about 17·171 gr. tr., and containing $\left(\frac{17{\cdot}171\times3{\cdot}75}{12}\text{ or}\right)$ about 5·366 gr. tr. of pure metal. When results so similar are obtained from different calculations, they may be assumed to be tolerably correct.

passing for 12 deniers, took the place of the solidus, and was known, sometimes as the *Grossus*, sometimes as the *Argenteus*—white money—the denier being the *Parvus* or *Niger* Turonensis, "the black penny," remembered in the fourteenth century as the *old* Petit Tournois. The reason for this double standard in France will probably be found in the great depreciation in the silver coinage in many parts of Southern Europe, *fifteen* "black pence" of Provence only passing for *two and a half* "alba moneta," or in the proportion of 6 to 1, as early as 1138, so that the Provençal current pound, even at that time, contained only 2 oz. of fine silver. A double currency was established in 1295, "manifold evils resulting in consequence," say the annals of St. Victoire, the Paris and Tournois deniers being from this date coined in the proportion of 5 to 4. The value of the Florenus Censualis, or florin of Florence, is reckoned by Cabraspino in 1356 at "10 sol. old petits Tournois," and, says Villani, "it used to be worth 10 sol. Parisis in the old good money, but in 1338 its value was 24 sol., in 1340 it reached to 30 sol., and a fourth more in Tournois currency," thus identifying the correct standard of the Paris currency in the first half of the fourteenth century with the old Tournois currency of the standard of St. Louis. The reason of this proportion between the denier Parisis and denier Tournois, which does not seem to have existed previously, may be probably traced to the introduction of a gold standard. Down to this date, throughout the different kingdoms of Western Europe, a certain recognised proportion seems to have regulated the various standards of the silver currency, which henceforth fluctuated and varied in apparently inextricable confusion.[1]

NOTE A.

FOUR marcs were recognised by the French mint in the fourteenth century, according to the old *Reg. Cam. Comp.* of Paris, quoted by Ducange:—(1.) The "marc de Troyes qui est de Parisis," or standard weight of 170 esterlins de poix; (2.) the "marc de deniers Tournois," or current marc of 155·5 esterlins de poix; (3.) the marc de Limoges, heavier by two esterlins; and (4.) the "marc de la Rochelle, dit d'Angleterre," weighing 160 esterlins de poix, by which "money of every description is alloyed, and all the money in the world is regulated, and its value raised or lowered." Taking the Paris marc at (244·772 *grammes* × 15·433 =) 3777·6 gr. tr., the marc de la Rochelle weighed $\left(\frac{3777{\cdot}6 \times 16}{17} = 3555{\cdot}4, \text{or}\right)$ a little under 3556 gr. tr., the pound (5332·6, or) about 5333 gr. tr., and the esterlin de poix 22·2212 gr. tr. The marc Tournois was 100 grains lighter, giving 3456 gr. tr. to the marc, and 5184 gr. tr. to the livre by weight. The marc de Limoges weighed about 3500 gr. tr. Thus the French esterlin de poix was infinitesimally lighter than the English, and the marc de la Rochelle weighed *two*, the pound *three*, pence less than the standards of England and Germany. Hence the Paris half-marc of 7 sol. 1 den. French sterling weight, which was identical with the Frison "little pound," was long known in the Low Countries as the "pound of *seven* schil-

[1] Ducange, *in voc. Gigliati*; Muratori, *Ant. Ital.* tom. ii. p. 783; *Villani*, Lib. xi. c. 71.

lings," which shows that the Paris marc only weighed 14 sol. by the sterling-weight of England and Germany, instead of 14 sol. 2 den. by the standard of La Rochelle. The marc of Castille, which for about 400 years has been the standard of the Spanish mint, weighs 3550 gr. tr., or a few grains short of French sterling-weight.[1]

NOTE B.

THE relative proportion between gold and silver appears, at a certain period, to have differed widely upon the opposite sides of the Alps and Pyrenees. The standard of Darius, or the early proportion of 13 to 1, alluded to by Herodotus, fell in course of time to 12 to 1,—or the standard of Alexander, as it may be loosely termed,—at which it appears to have been stationary for a considerable length of time, until the rise of gold under the Roman Emperors becomes dimly traceable, till it reached 14·4 to 1 during the reigns of Diocletian and Constantine. The fall of the Western Empire seems to have sent up gold to 18 to 1, the proportion falling again under the third Valentinian to 16·8 to 1, and it was again fixed by Justinian at 14·4 to 1, or the standard of Constantine. If Al-Makrizi is correct in saying that the early Khalifs issued their gold and silver coins in the proportion of *ten* and *seven*,—10 silver dirhems weighing 7 gold dinars,—at 20 dirhems passing for a dinar, the standard of the East at the opening of the eighth century was $\left(\frac{20\times7}{10}\text{ or}\right)$ 14 to 1. Before this time the value of the Merovingian solidus had been fixed at 40 scruples of silver, or in the proportion of 10 to 1, if the solidus was of full weight; but the quality of the Gallic gold was at this time notoriously defective, and with the advent of the Austrasian family to the throne gold ceased to be coined to the northward of the Alps. By the edict of Pistoia, dated in 864, the proportion of fine and inferior gold to silver was fixed respectively at 12 and 10 to 1, but at this very period, or very soon afterwards, the finest gold was passing in the north of Europe at 8 to 1, or even less. In the agreement between Alfred and Guthrum, the wergild of Dane and Angle was fixed at *eight* half-marcs of the finest gold, which was evidently regarded as the equivalent of 1200 Anglian scillings, or 20 lbs. of silver, the old valuation of a Twelfhyndman in East Anglia. Reckoning the marc by the Tower standard, the proportion would only reach $\left(\frac{1200}{160}=\right)$ 7·5 to 1, but if gold-weight was represented by the Libra Occidua, a marc of 48 aurei, or 144 dwts., would raise it to $\left(\frac{1200}{144}=\right)$ 8⅓ to 1. For the greater part of the two following centuries 50 mancuses of gold passed for 5 lbs. of silver in England, giving a value of 24 pence, Tower-weight, to the mancus, or in the exact proportion of 8 to 1, and perhaps during this period the marc of gold may have been reckoned at 50 mancuses "by tale." Four centuries after the time of Alfred, or towards the close of the thirteenth century, the relative value of gold and silver remained unaltered in the extreme north of Europe, for an ore of fine gold is reckoned in the Gragas at a marc of fine silver, and the old proportion of 8 to 1 seems to have held its ground in England until the beginning of the twelfth century.[2]

[1] Ducange, *in voc. Marca; Richthofen Dict. in voc. Pund.* The French commercial *gramme* weighs 15·434 gr. tr., but the correct standard of Paris, according to Kelly, only reaches 15·433 gr. tr.

[2] Marsden, *Introd.*; Pertz, *Leg.* vol. i. p. 479; *Alf. and Guth.* 2 (compare Gutalag, in *Scotland under her Early Kings*, Ap. E); *Gragas*, sec. 7, c. 83, 85. As the Medial-thegns in Mercia and East Anglia were assessed on the same footing in Canute's law regulating the heriot, the wergild in East Anglia was evidently reckoned, as in Mercia, at 20 lbs. The Tower pound was a silver standard, for in the reign of Edward III. gold was weighed by "the touch of Paris," or the Tournois standard, to which the gold florin of Florence conformed. Before this florin replaced

A marc of fine gold passed for six lbs., or *nine* marcs of silver, in the reigns of Stephen and Henry II.; Benet the Jew was fined by Richard a marc of gold oboli of Murcia, or *ten* marcs of silver; and in John's reign 21 sol. 8 den. of fine gold were purchased for 10 lbs.—about 9·25 oz. of silver for an oz. of gold—so that from the close of the reign of Henry I. to the accession of Henry III., the proportion in England seems to have fluctuated between 9 and 10 to 1. Yet as late as 12 Ed. I., the value of a "talent of rent"—or a bezant—was reckoned at 24 pence, or in the old proportion of 8 to 1. Such assessments, however, do not represent the *actual*, but the *past* value of the coin—its value at the time when the donation was originally made, or the rent fixed. Thus a bezant was valued by a French Parlement in 1282 at 20 sol.; whilst by a similar authority, and in the same year, the annual donation of a bezant made to the Church by the Counts of Soissons was assessed at 8 sol., or in the old proportion of 8 to 1; for the sol. Tournois was at that time worth *three* sterling pence. The grant was evidently of old standing, telling of an epoch in which the relative value of gold and silver stood in France at 8 to 1; and as the *aureus* paid to the Pope from the Abbey of Kelso was compounded for by a payment of "*two* solidi of sterlings," according to the *Liber Censuum* compiled in 1192, the old proportion was in force in Scotland at least as late as the reign of David, the founder of the abbey; and it may be assumed that it held its ground in England until the opening of the twelfth century.[1]

In France the relative value of gold and silver would seem to have long remained at 10 to 1. The ransom at first demanded for St. Louis was fixed, according to Joinville, at "a million of bezants, which are well worth half a million livres," thus giving the bezant, in the middle of the thirteenth century, a value of 10 sol. Tournois—there was no Paris currency in the days of St. Louis—30 sterling pence, or in the proportion of 10 to 1. From the monastery of St. Florentine, in the diocese of Anjou, the Pope received 3 *aurei*, which were compounded for, in 1192, at 10 sol. Tournois for each; whilst, according to the French translator of William of Tyre, "une perpre (a bezant) valoit bien sept sols de Parisis," or $\left(\frac{1888{\cdot}8\times 7}{20}=\right)$ 661 gr. tr., very much in the same proportion. Gilbert de Nogent, however, who died in 1124, at the age of seventy-one, values the *Hyperpyrus* at 15 sol., in which he is followed by, or follows, two contemporary authorities; but as the marc of silver passed for *three* instead of *four* livres in the days in which he wrote, his Hyperpyrus would have been worth $\left(\frac{15\times 4}{3}\text{, or}\right)$ 20 sols. in the days of Joinville, and was apparently a double-bezant. Thus the proportion in France remained at 10 to 1 during the greater part of the twelfth and thirteenth centuries. But the daily revenue of the "Soldan of Egypt" is calculated by Vincent of Beauvais at "400 mille Iperperi, id est, 57 mille marcæ argenti," or $\left(\frac{400}{57}=\right)$ 7 bezants to the marc of silver, which, assuming the marc to be the French standard weight of "Troyes de Parisis," would give $\left(\frac{3777{\cdot}6}{7}=\right)$ 539·66 gr. tr., or 24 sterling pence, to the bezant, in the old proportion of 8 to 1, the standard of the age

---

the bezant as the standard gold coin, gold-weight was probably represented by the Libra Occidua, or pound of Constantinople. It is remarkable that in all the wills relating to East Anglia in Thorpe's *Diplomata*, the marc of gold is used instead of the mancus; as if in that province, from the time when Alfred assessed the wergild in half-marcs of gold, the marc of gold was taken for 50 mancuses of gold, or 5 lbs. of silver.

[1] Madox, *Hist. Exch.* c. ix.; *Ruding*, vol. ii.; *Le Blanc*, p. 158; Menage, *in voc. Bezant*; *Lib. Cens. Rom. Ecc.* (Muratori, *Ant. Ital.* vol. v.) p. 893. According to a charter of John (quoted in Ellis, *Introd.* vol. i. p. 165) a marc of gold was worth 10 marcs of silver, as in his brother Richard's time; so that the proportion of the *currency* was probably 10 to 1, as in France. The proportion was the same in Germany at the date of the compilation of the *Sachsenspiegel*, for twelve gold pence, each weighing three silver pennyweights—a bezant—passed for thirty shillings of silver, giving thirty pence, or a mancus of silver, to each gold penny (Bk. iii. art. 45).

in which the original donation of the Counts of Soissons was made. It seems allowable to assume, therefore, that the relative value of gold and silver remained at 8 to 1, in France as well as in England, until about the opening of the twelfth century, or as long as silver of the standard of $\frac{23}{24}$ was coined in France, and until the influence of the newly issued coinage of the Morabetin Khalifs, whose authority in Spain dates from after 1056, began to be felt beyond the Pyrenees.[1]

A similar difference in the proportion between gold and silver is observable in Eastern Asia and India during the thirteenth and fourteenth centuries, the *Tangah*, or gold dinar of India, usually passing for *ten* silver dinars of similar weight; whilst in certain remote localities gold only passed for *eight* times in value in silver. It is not to be supposed that the lesser relative value of gold in the north of Europe arose from its greater abundance in that quarter. On the contrary, the more precious metal was so little used, except in the shape of rings and ornaments, that it passed at a nominal value, and by weight, or as bullion rather than as coin—as a luxury rather than as a necessity. But as soon as a coinage in gold was attempted in France and England, and gold in consequence became a necessity, its intrinsic value asserted itself, and was recognised at once. The horse may be quoted as an instance in point. He was valued in the time of Athelstan at half a pound, worth *six* cows, and *four-and-twenty* sheep; he had doubled in value in the Conqueror's reign, and was reckoned at a pound, and in the laws of King Henry is estimated at *forty* sheep; but in the Gragas he is only rated at "a good cow." In Iceland he was only a luxury; elsewhere he had become a necessity, and, gold amongst the animals, rose to his proper value of many sheep and cows. So when Henry III., in 1257, attempted to establish a coinage in gold, he struck a gold penny, weighing *two*, and current for *twenty*, sterling pence; but in a very few years his coin rose to twenty-*four* pence, or from 10 to 12 to 1, and the innovation was so unpopular that the king desisted from his attempt. The bezant, at the date of the capture of St. Louis, was worth 10 sol. Tournois; but no sooner did the French king issue his *Denier d'or à l'Aignel*, a coin of a similar type weighing about 64 gr. tr., than it passed for 12 sol. 6 den., or ($64{\cdot}8 \times 12{\cdot}5 =$) 810 gr. tr.—for 150 instead of 120 deniers, or in the proportion of *five* to *four*—gold thus rising in France from 10 to 12·5 to 1. Hence the florin of Florence, first coined in 1252, according to Malaspina and Villani, and weighing 54 gr. tr., or four-fifths of the bezant, took the place of the latter coin, passing for 10 sol. Tournois; and this is the reason why many old authorities identify the florin, or ducat, with the bezant, their calculations, in consequence, being often erroneous. Hence, also, the cause of the numerous valuations

---

[1] *Lib. Cens.* p. 882; Ducange, *Diss. de Inf. Æv. Num.* cap. xc.; *Gesta Dei per Francos*, p. 501. The epithet Hyperpyrus—Ὑπερπυρρος—referred to the purity of the metal, and probably became attached to the standard coin of fine gold after the introduction of an alloyed coinage of inferior value. As ὀβολοί, or 72 Hyperpyri, went to the pound, the ordinary Hyperpyrus was evidently the Constantinople solidus, or bezant, weighing 67·5 gr. tr.; but the name would have been applicable to any coin of the finest gold, and would have thus included the double-bezant. From the time of Louis le Jeune an offering of 13 bezants d'or was made to the Church at the consecration of the kings of France, the Byzantines thus offered by Henry II. weighing a double-ducat (*Le Blanc*, p. 157), which seems to identify the original coins with the large or double-bezant. As the florin of Florence, the type of the petit royal of 70 to the Paris marc, was the equivalent of the bezant at its original value, so the gros royal, and the first gold coin struck by Edward III., weighing two florins, represented the double-bezant. As *Hyperpyrus* denoted a coin of pure "red" gold, so the name of *Asper*, or "white money," was originally attached to the coin of fine silver, the equivalent of the Silfur, Weispfenning, Blanc, Argenteus, and Albus, in other quarters. It was at one time "well worth two sterlings," and must have then represented the *drachma* of Constantinople—the coin, not the weight—the original of the Eastern *dirhem*. When Pegolotti wrote, 202 aspers were coined out of a *Sommo* of silver, 11 oz. 17 den. fine; so that, as the Sommo weighed about 8·25 oz. of the Genoese pound—the Byzantine apparently—the asper must have shrunk in the fourteenth century into the *gramme*. It still exists in the East as a money of account.—*Ducange*, as above; Yule's *Cathay* (Hakluyt Soc.) vol. ii. pp. 295, 298.

of the older standard, fast becoming obsolete, towards the close of the thirteenth century—as well as the reason, apparently, of a double currency in the proportion of *five* to *four*, the Livre Parisis corresponding with the earlier, the Livre Tournois with the later, standard of gold.[1]

III.

Early Germanic and Frison Currency.

"Unce ainan *scillinga* sehsi, unciam unam *aureos* sex . . . Stuhi, halb scriptolus, silikhi tri,"—thus wrote an old German glossarist, quoted by Adalung, displaying his familiarity with the Byzantine standard. The scruple, however, was as often divided into three parts, corresponding with the subdivision of the Byzantine gramme into three *folles*. In this case the equivalent of the *Stück* or *Styca* of 12 grains of corn only weighed 8 grains, and was probably a bracteate, answering to the *Heller* of the early Cologne standard, the Irish *Pinginn*, and the original of the Spanish *Follaz*, a small coin still existing when Ducange was writing, deriving its name from the Arabic *Fels*, and representing the third part of a denier.[2]

Both the standards of the eastern empire in use amongst the Western Franks as well as the Gallic or Caroline pound, are traceable amongst the Frisons. The identity of the London and Cologne standards known indiscriminately as English, Agrippaniske, and Cologne weight, is shown in the regulation that "these merks are to be reckoned at 4 pence and 13 skillings of English pence, so as to weigh the Cologne merk;" but many of their older mulcts and dues were payable in "the pund of seven skillings," often known as "the little pund," sometimes as the Frison pund. "Three pund the frana, that is, 21 skillings the Koning's ban," so runs more than one old Frison law; and every freeman with "30 pund eerwis," or inheritance, was bound to attend the Landwehr with horse and arms, all who had 12 punds coming on foot with spear and shield. Thus the Little pund in which the freeholder was rated at the old Frank assessment of 30 lbs., or 600 solidi, and fined 3 lbs. or 60 solidi, for the king's ban, was the *Livre Parisis*, or half-marc de Troyes, weighing four ounces, or a third of the heavier Byzantine standard. He was assessed in the old currency of northern France, and as he was not a nobleman, he paid or received "by tale" and not "in gold." The *Wed-merk* of fourteen skillings answered to the full Marc de Troyes; the *Lein-merk* of twelve skillings to the ordinary marc, or eight ounces of the *Libra Occidua;* and the existence of the ordinary half-marc of

[1] *Cathay*, vol. i. p. ccxlvii.-ccl.; *Le Blanc*, cap. i.; *Ruding*, vol. ii. p. 70; *Villani*, lib. vi. c. 53; *Malaspina*, cap. 152, in Muratori, *Ant. Ital.* ii. p. 817.

[2] Adelung, *in voc. Schilling.*

four ounces is also traceable, particularly in the provinces of Groningen and East Friesland, or ancient Friesland, "between Laubach and Weser." "The Fresca Skeld is thirty grate from Staweren to Groningen, and the Groningen Skeld is nine grate. The great Cologne pound is four Skeld, and thirty Flamsken go to the old Skeld." The Skeld, or Ecu, was reckoned as the quarter of a pound, and as the *Flamske*, or Frison groat, was worth *two* sterling pence, the Groningen Skeld was worth *eighteen*, or an ounce of the ordinary Byzantine standard, representing the quarter of a "pund of six skillings," or a half-marc of four ounces. The existence of this obsolete pund of six skillings is further shown by the *Hreil-merc*, the *Groningen-merc*, and the West Friesland *Liod-merc*, each valued at *four* skillings, or two-thirds of a pound of *six*, which would have once answered to a *Groningen-pund*.[1]

Three different solidi are alluded to in the old Frison Laws, a solidus of *three* pence current in central Friesland, a solidus of *five* oboli in the province bordering upon Flanders, and a solidus of *two* pence current "between Laubach and Weser," or in the provinces of Groningen and East Friesland. There were also, according to Pertz, three dialects amongst the Frisons, corresponding with this difference in their solidi. The dialect in East Friesland resembled "old English"—Anglo-Saxon—and in this quarter was the solidus of *two* pence, corresponding with the Flamske, or Groningen grate, and connected with the "ore of sixteen." The speech of Central Friesland resembled the dialect found in old Westphalian documents, and here was the solidus of *three* pence, corresponding with the Thryms or Silfur, half as large again as the Flamske and connected with the "ore of twenty-four." The dialect of the other Frisons resembled the language spoken in Brabant in the thirteenth century, and here was the solidus of *five* oboli, or half of a scilling of five pence, connected with the "ore of twenty," or the ounce in use amongst the Franks at that time. Nearest and most akin to the Franks in dialect and currency lay the Flemings; beyond them the central and western Frisons, ancestors of the Dutch, resembling the Westphalian Saxons in speech and customs: whilst further towards the north-east lay the eastern Frisons, in their dialect and solidus connected with the men of Engern and Ostphalia.[2]

Fürst, Freyherr, and Schöppenbar freeman, were assessed in the Sachsenspiegel at 18 lbs. for their wergild, or 4320 pence, answering to $\left(\frac{4320}{3} = \right)$

[1] Richthofen, *Dic. Fris. in voc. Frana, Pund, Merk, Grate, Skeld, etc.* The penny of Charles the Bald, weighing 32 gr. *Paris*, is exactly adapted to the standard of the Little pund, pointing to the era in which Troyes-weight supplanted the earlier standards in northern France.

[2] Pertz, *Leg.* vol. iii. p. 639, and *Lex Fris.* addit. 73, 78. He identifies the Frison with the Caroline solidus, which would give the Frisons in the eighth and ninth centuries a *coined* penny weighing *four* sterling pence. The existence in the ninth century of a silver coin, half as large again as the Gros Denier of St. Louis, is, I believe, unknown to numismatists. The expression used in the Frison Laws is always "denarii *novæ monetæ*"—minted or coined money—and the Capitularies are silent about the existence of any *mint* in Friesland.

1440 solidi—thrymsas or silfurs—the wergild of the Saxon Nobilis, or Adeling. Their *bot* was also identical, but, in the case of the two first classes, paid in gold, and reckoned at 12 gold pence worth 30 shillings of silver, answering to the 120 solidi paid as *Ruoda* by the old Saxon laws; whilst the bot of the Schöppenbar Frei was 30 shillings paid in Wendish pence, "of which 20 shillings weigh a marc." Twelve oz. or a lb. of Wendish pence, therefore, would have weighed eight oz., or a marc of sterling pence, the solidus and penny would have been in a similar proportion, and whenever the Thryms of *three* sterling pence was reckoned as the solidus, the Flamske of *two* sterling, or *three* Wendish pence, would have answered to the solidus of a currency upon the Wendish principle. Before the introduction of the Nova Moneta, the Westphalians used a solidus of *three*, the Ostphalians and men of Engern a solidus of *two* tremisses, or exactly in this proportion; in other words, the latter divided the marc into 12 oz. on the principle of the Wendish currency, reckoning it as a pound—just as the *Attung* in Sweden was divided by the Goths into *twelve*, and by the Sviar into *eight* portions—an oz. of the lighter standard containing 24 pence would have only weighed 16 of the heavier type, and a wergild of 18 lbs., reckoned in "ores of sixteen," would have only weighed 18 marcs or 12 lbs. of the heavier currency.[1]

The custom of dividing the marc like the pound seems to date from an early period, and is observable in many quarters, particularly in northern Europe, the Austrasian Franks following it, apparently, for the original standard of Cologne was divided in this manner. The *esch*, as elsewhere, was a grain of wheat, 8 went to the Heller, 16 to the Pfennig, which were thus respectively two-thirds of the Stück or Halb-scriptolus of 12, and the Denier or gramme of 24 grains; whilst the Quent of 64 grains or two sterling pence, answering to the Frison Flamske, and the Batz of two pence amongst the southern Germans, was a solidus weighing two-thirds of the Thryms or Silfur. The Loth was a light "ore of sixteen" pfennige; the ore weighed 16 sterling pence, and eight of these ores made a light marc of 10 sol. 8 den., or 4096 grains, twelve a light pound of of 16 sol. or 6144 grains, answering to the *Full-merk* or *Liod-merk* in ordinary use amongst the Frisons, weighing 16 skillings, or eight "ores of twenty-four" sterling pence. The mint-marc of Vienna, weighing 9 oz. troy-weight, 4320 gr. tr., or 6144 grains of corn, answers to this heavier standard, or *full*-marc, weighing 16 sol.; and as it is divided like the Cologne marc, the *dwt.* represents the denier of $\left(\frac{6144}{256} =\right)$ 24 grains,

[1] *Sachsenspiegel*, Bk. iii. Art. 45; *Lex Sax.*, tit. xix.; Grimm, *D.R.A.*, p. 533. The *theory* of coining 240 pence out of the marc was retained in the Livre Tournois coined out of the Marc de Troyes. The wergild of 18 lbs. of Wendish pence seems traceable in the "18 marcs Log-aura, reckoned in gold," of the Norwegian Odelsmand, and the "12 punds eerwis" of one class of freeholders in Friesland—perhaps also in the 240 sol., or 12 lbs., constituting the wergild of the "Primus Alamannus," for, "except in inheritance and *ortel*, Schwabische Recht is the same as Sachsische," says the *Sachsenspiegel*, Bk. i. Art. 19. A wergild of 12 lbs. represents 1440 solidi, reckoning by the Flamske. For Wergilds *vide Scotland, etc.*, Ap. E.

half as large again as the pfennig. As the Caroline pence weighed *two* pfennige or oboli, so the Viennese pence weighed two deniers or *three* oboli, exactly in the proportion of the solidi of two and three tremisses, and were known as "Broad pence of Vienna"—the "lati denarii Viennenses, quorum quilibet denarius valet *tres obolos esterlingorum*" of Matthew Paris. Thus the Vienna marc represents the Full-marc of eight heavy oz., which, when reckoned as a pound, gave the lighter oz. of the old Cologne standard, fifteen of which went to the "Great Pound of Cologne," and to the old standard of London weight.[1]

According to an authority of the twelfth century, quoted by Pertz, whilst Frank and Alaman, Saxon, Thuringian, and Lombard, united in using the solidus of 12 pence, giving 3 to the Saiga (or Thryms) and 4 to the Tremissis (or Anglian scilling), the Bavarians continued to divide the pound, like the marc, into eight solidi of 30 pence. Their solidus, or heavy oz., was thus the mancus "of forty deniers," their semi-solidus of 15 pence the half-mancus or Kentish scilling "of twenty sceats;" their saiga of 5 pence answered to the scilling of Wessex, and their *scotus*, or scatt, was a double-denier, like the broad penny of Vienna, weighing three sterling oboli. The recollection of this old pound, superseded as a moneyer's weight by the Cologne marc, seems to have been retained in the Regensburg pound, divided into eight schillings of 30 pence, the *Pfenning-pfund* in which the *Grund-zins*, or land-tax, of Bavaria used to be levied.[2]

IV.

Norwegian and Irish Currency.

In the opinion of the best authorities of the North, no coins were struck in Norway before the middle or close of the tenth century. Bullion must have passed before this time, and the earliest substitute for a coinage was Wadmal. Hence the Northman was assessed by the *Hundrada*, which still retains its original meaning of six score *ells* in Haldorson's Dictionary, though the ell is no longer cloth but a coin. According to the Gragas, or the Icelandic code of laws, compiled towards the close of the thirteenth century, some fifty years after the Sachsen-

[1] *Ethelred* iv. 9; *Mat. Par.* (Ed. 1640), vol. ii. p. 730. In another passage Paris says the *Imperialis* corresponded very closely with the sterling penny, with which it might be considered identical. In his days, therefore, the penny in Germany, as in England, still conformed to the regulations of 781. This was the penny of the Sachsenspiegel.

[2] Pertz, *Leg.* iii. p. 132, note 24. The distinction once existing in England between the scillings of *four* and *five* pence, current on opposite sides of the Thames, is long traceable in the German currency. Thus the imperial kreutzer of 60 to the gulden, 90 to the thaler, was worth *four* light pence; whilst the heavier kreutzer current in Bamburg and Wurtzburg, 48 to the gulden, 72 to the thaler, was worth *five* pence; and the guter-groschen was worth 1¼ kaisar-groschen, in a similar proportion of *five* to *four*.

spiegel, silver was current in Iceland about the opening of the eleventh century, "white silver, which was mostly silver, and would stand cutting," equivalent apparently to "Guthrun's-Lane silver," or silver plate. "It was coined so that lx. penings (some read xx) went to the ore-vegin, and weight and tale were identical. At that time c. silfurs passed for four hundreds and xx. ells-wadmal, and a half-marc of wadmal was worth an ore of silver." Silver therefore stood in the proportion of 4 to 1 to wadmal, and as six ells-wadmal went to the Norwegian ore, an ore of silver passed for 24 ells, and the silfur or solidus of six to the ounce was, at this time, worth *four* ells, each thus representing a denier or scruple. The ell, when coined in a later age, was divided into *four* skillings, corresponding probably with its original subdivisions; and thus the marc-wadmal literally represented the marc-vegin in cloth, the ell halved and quartered answering to the silfur of four scruples, and representing the solidus of the marc-wadmal, six score ells or silfurs being contained in either case in twenty ores or five half-marcs.[1]

Three descriptions of silver are alluded to in the Gragas, Burnt silver, Blue or Grey silver, and Law silver. A marc of burnt or fine silver was known as the marc-vegin, or marc by weight, and occasionally as the marc of silfurs. The marc of law-silver, or a current marc, was known as the marc-lög-aura, or the marc of legal ores, and occasionally as the marc of penings. Grey-silver was double the value of law-silver, and both were reckoned by the marc-talin, talder-marc, or marc by tale. An ore of burnt silver passed for a marc-lög-aura, or in the proportion of 8 to 1, and thus grey silver, standing in the proportion of 1 to 4, represented the earlier standard of wadmal. At the close of the chapter upon Baugatal, it is laid down that "the silver used for *sacgildt*, whether for *baug*, *thak*, or *thweiti*, shall be of the standard of the *lög-silfur* of the time in which *ten* penings went to the ore;" and in the chapter on Manumission it is said, "In a Jarl's jorp he pays half-rett, in a king's the whole. A pening shall he give to the goda who brings him into the law, that shall be the *tenth* part of an ore." Thus the "silver used for sacgildt" was of a different standard from the later law-silver, and as grey silver was of the same standard as wadmal when it was used for "sacgildt," passing current for *twice* the value of the later law-silver, it may be identified with the older standard alluded to in these laws. At *two* ores of fine silver to the marc, or *three* to the pound, this earlier currency corresponded with the Livre Tournois at the standard of St. Louis, and thus the Northmen were long assessed in the usual currency of the period, In Sweden, where the marc-wadmal was at one time worth *two* marcs of penings, *twelve* ells went to the ore—"Six marcs of penings, or three marcs-wadmal, *twelve* ells to the ore," writes Ihre, quoting from an old East Gothland code. Thus in Sweden the marc-wadmal would have been

[1] *Gragas*, sec. 7, cap. 3. 84. In another chapter the legal value of the ore is fixed at six ells of new and unworn wadmal. The ore of wadmal is here meant, and not the ore of silver, as has been sometimes erroneously supposed.

worth a marc of grey-silver, corresponding, as of old, with "the silver used for sacgildt;" but as *three* Swedish would have passed for *six* Norwegian marcs-wadmal, the cloth itself must have lost its former value, for the ell would have passed at *half* its former standard, thus corresponding with the later law-silver.[1]

The pening of ten to the ore seems to be alluded to by Snorro in the passage where he says that every bonder in Iceland recompensed Eyvind the Scald with "a scatt-pening of pure white silver, worth *three* penings-vegin;" for it is laid down in the later Gulathing that "*thirty* penings shall be in every ore, whether by weight or tale." The marc was thus divided into 80 scatt-penings and 240 penings, on the principle of the Wendish currency, for there are 80 silfurs and 240 pence in the Caroline pound. In the earlier coinage alluded to in the Gragas, the half-marc was similarly divided, for a coinage of xx. or lx. to the ore gives either 80 small solidi or 240 small penings to the half-marc; and the earliest assessments of the Danes in England are invariably reckoned in half-marcs. As long as the Northmen were only familiar with bullion and wadmal, the marc-wadmal seems to have followed the sub-divisions of the marc-vegin, or the Byzantine standard, giving 6 ells to the ore, and 48 to the marc, the ell thus answering to the sextula, silfur, or original scilling; but as soon as a coinage was issued, it was adapted, on the principle of the Wendish currency, to the Caroline pound, thus pointing to the comparatively late era in which a coinage first appeared. "A pening, *ten* of which went to the ell-wadmal," such was the tax levied upon the Icelanders by Olaf the Saint, according to Snorro; and if he is correct, 40 penings would have passed for a silfur, and 240 for an ore, or in the proportion of the earlier law-silver, corresponding with wadmal, of which a half-marc passed for an ore of silver, for the earliest coinage alluded to in the Gragas was evidently based upon the half-marc.[2]

The Northmen are occasionally credited with the introduction of a knowledge of coined money into Ireland; but they were still in the age of bullion and wadmal when they were ravaging the English and Irish coasts in the eighth and ninth centuries. The relics of a very early system are traceable in Ireland, where the *Tinde* and the *Uinge*, the bar or ingot and the ounce, were the weights in ordinary use, the *Pinginn* and *Leth-pinginn*, or penny and halfpenny, bracteates apparently, representing the coinage. The *Screpall*, known also as the *Puicne* and *Oiffing*, appears as the *Sigel*, Irish *siclus* or ordinary unit of calculation, a small solidus rather than a coin, divided into three pinginns and six leth-pinginns. The screpall, at its full weight of 24 grains of corn, was identical, as its name shows, with the Merovingian denier of full weight, or the gramme of the Byzantine standard, the pinginn of 8 grains answering to the Follis or Heller, the leth-pinginn to the half-follis or keration. There was also a lighter screpall weighing 21 grains of corn, the bracteates that have been

[1] *Gragas*, sec. 7, cap. 3. 84; sec. 8, cap. 114; sec. 6, cap. 43. Ihre in *voc. Wadmal.*

[2] Heimsk. *Harf. Saga*, cap. 18; *St. Olaf's Saga*, c. 146.

found usually corresponding with this lighter type. The uinge of 24 screpalls of full weight would have answered to the Byzantine ounce weighing 576 grains, but the lighter screpall would have given an uinge of 504 grains. When 240 pence were coined out of the marc, an ounce weighing 24 pence would, in reality, be "an ore of sixteen," each penny weighing two-thirds of the full weight, or $\left(\frac{32}{3}\times 2=\right)$ 21 grains of corn. Thus the lighter uinge and screpall seem to tell of the influence of the Saxon ore of sixteen.

The early Irish were not familiar with the pound weight in connexion with the precious metals, nor were they singular in ignoring it. Ulphilas renders a pound of spikenard by "pund balsamis," but he translates ten talents—*pounds* in the Anglo-Saxon version, *bezaunts* in Wicliff—by "taihun dailos" and "taihun skattans," ten deals or portions, reckoning money by tale and not by weight. The pound appears in Ini's Laws as the "pund-vega," the Libra-pondo of Plautus and Terence, the Libra-pensans of Pepin, for the solidus was the ordinary standard of reckoning before the establishment of the Libra denariorum. The highest metal-weight in use amongst the Irish was the *Tinde*, a hundred-weight of six score uinges apparently, varying according to the weight of the uinge. *Seven* score uinges of 576 grains, at which it is sometimes reckoned, would give a weight of 10 lbs. of the heavier standard of Constantine, or *six* score ounces of the marc de Troyes. The tinde, writes Petrie, should have weighed, "according to the table," 69,120 grains of corn. 10 lbs. of the ordinary standard, or *six* score uinges of 576 grains. When it is reckoned at "sixty thousands and four hundreds of wheat-corns," it represents *six* score uinges of 504 grains, calculating the hundreds at six score. Two sorts of gold were also known, "base gold of which dishes are made," and the better description used in torques and rings; but gold coins seem to have been as scarce among the Irish as in the north of Europe.[1]

V.

MORABETIN AND EARLY SPANISH CURRENCY.

IN Spain, in southern Italy, and Sicily, and even in parts of France bordering upon the Mediterranean, Saracen influences are plainly visible. The commercial pound of Arragon corresponds with the old Tower standard, for it weighs 5398 gr. tr. The Libra Jaquesa, Jaca pound, or standard of the old provincial currency of the kingdom of Arragon,

[1] Petrie's *Round Towers*, pp. 209-219; Ulph. *John* xii. 3; *Luke* xix. 13. 16. The lighter type of uinge and screpall was probably of a later date than the heavier, corresponding with the Austrasian rather than with the Merovingian era.

contains 20 sueldos, each divided into 8 quartos and 16 dineros, answering to the "ore of sixteen," containing 8 quents of *two*-pence, or Flamsken. The Arragonese marc is divided nominally into 128 arienses and 4096 grains, or into "eight ores of sixteen;" for the Ariense of 32 grains was once a coin, familiar apparently in England as the Jaca penny, and evidently corresponding with the sterling penny. The pound and marc of Barcelona are considerably heavier, and the marc is divided into 192 arienses, representing originally "eight ores of twenty-four." Thus sterling weight, and the heavier and lighter standards in use elsewhere, were once also familiar to the Spaniards, who, beyond the Ebro, and under the shelter of the Pyrenees, seem to have retained the standards of their Christian forefathers. In the greater part of Spain, however, the Arabic Arroba is found, and the Adarme, or dirhem, replaces the Ariense as a weight; whilst the still existing Maravedi recalls the time in which the Spanish coinage was principally supplied by the khalifs of the Morabetin dynasty.[1]

The name of *Morabetin* would appear to have been applied, strictly speaking, to the general coinage of the *Al-Moravid* or *Morabetin* khalifs who ruled in Spain from 1056 to 1146. Silver dirhems and oboli of base metal, or billon, known as *fels*—*folles*—had alone been issued from the mints of their predecessors, the Ommiad khalifs, but the Morabetin dynasty were the first amongst the princes of western Europe to put into circulation a coinage of gold from a native mint. Hence, though the name was applied in the Peninsula to silver as well as gold coins of the Moorish type, it was usually limited elsewhere to gold coins alone; and as a coin of the full standard seems to have been generally implied under the epithet of aureus, so the obolus, or coin of a smaller type, was often distinguished by the name of Marabotinus. The Pope, for instance, received from the monastery of Nantes a payment of ten sol., in lieu of *two* marabotins, thus giving to the marabotin the value of only half an aureus, or bezant. Not that the coins of the Morabetin dynasty were necessarily oboli, but the mints of Spain and Portugal seem to have been the first to familiarize western Christendom, beyond the Alps and Pyrenees, with gold coins of a smaller type than the bezant, or gold mancus, of the normal standard; and as at this period all gold coins, beyond the limits of the realm in which they were struck, passed in northern and western Europe by their weight and intrinsic value, a certain vagueness in the names by which they were distinguished was comparatively immaterial. From the description of the Morabetin dinars given by Marsden, their standard, varying from 61·75 gr. tr. to 57 gr. tr., seems to have been below that of the earlier khalifs, in this agreeing very well with a remark of the historian of Ravenna, quoted by Muratori, that a marabotin of the proper standard in 1076 weighed 7 to the oz.

[1] Kelly's *Cambist*. The jaku mentioned in *Ruding*, ii. 72, was evidently a coin of Jaca. The old Catalonian current pound contained 20 sueldos and 240 dineros.

In 1216, sixty marabotins of Portugal weighed a marc of gold, giving 7·5 to the oz., and thus the coin would appear to have dwindled down till it assumed the type of the dirhem rather than of the dinar.[1]

Cabraspino, the Papal nuncio in Hungary and Poland, has left a table of the value of different coins in 1356, which throws much light upon the currency of his age. As 8 florins went to the oz. of gold "in gold," and 8 florins were worth a lb. of pure silver, the relative proportion between the two metals in his calculations was evidently taken at 12 to 1. He reckons in "Floreni Censuales," valuing each at 10 sol. 1 den. "Turpitiorum antiquorum," evidently the amplification by some copyist of *Tur. pt. antiq.*, his contraction for "old Petits Tournois." As 10 sol. Tournois, at the old standard, would have contained ($120\times5{\cdot}4$, or) 648 gr. tr. of fine silver, and the florin of Florence, weighing 54 gr. tr., would have passed, at 12 to 1, for 648 gr. tr. of fine silver, the florenus censualis may be safely identified with the standard gold coin of the age, which was worth, according to Villani, 10 sol. Parisis (or 648 gr. tr. of fine silver at the correct standard of his age), and a little more than the Pontifical florin, to which Cabraspino alludes under the name of Florenus Romanæ Curiæ. In silver he calculates by the grosso, giving it a value of 12 deniers, or a gros-tournois about $\left(\frac{648\times4}{5}=\right)$ 51·84 gr. tr. of fine silver, according to the proper standard at that time of 4.32 gr. tr. to the denier. As he estimates the lb. of silver from Spain, Tuscany, and various other quarters at 7·5 florins, and the oz. at 7·5 grossi, the latter coin, like the florin, was the eighth of an ounce, and approaches so closely to the eighth of a Roman oz. (52·73 gr. tr.), that I think it may be identified with it. As the bezant and the florin were in the proportion of *five* and *four*, the value of the former in fine silver would have amounted, at this time, to $\left(\frac{648\times5}{4}\text{, or}\right)$ 810 gr. tr., or, including the denier, to $\left(\frac{653{\cdot}4\times5}{4}\text{, or}\right)$ 818 gr. tr.; and as the bezant is reckoned at 15·5 grossi, or, calculating the grosso as the eighth of a Roman oz. $\left(\frac{421{\cdot}875\times15{\cdot}5}{8}=\right)$, 817 gr. tr. of fine silver, the identification may be regarded as tolerably correct.[2]

[1] Muratori, *Ant. It.* v. p. 883, ii. p. 785; *Le Blanc*, p. 165. The latter gives to the Portuguese coin a weight of 76 gr. *Paris*, or 62·3 gr. tr., assuming the marc of gold to have been Paris-Troyes weight. But when Philip le Bel in 1305 coined petits royaux, "as before," at 70 to the marc, or at the Florentine standard of 54 gr. tr., it is added, "et doivent donner les dits Compagnons *au marc d'or fin de Paris* 64 des royaux dessus dits," thus identifying the marc d'or fin de Paris, or marc of currency, with ($54\times64=3456$ gr. tr., or) the marc *Tournois*, the standard of the currency.

[2] Muratori, *Ant. It.* tom. ii. p. 783. Quite in accordance with the calculations of the Nuncio is a passage quoted by Ducange (*Jaccences Floreni*), reckoning the gold florin of Florence at 16 solidi of Barcelona, and the grosso and gros tournois at 15 Barcelonese pence, thus giving to the gold coin in Catalonia in 1348 a value of $\left(\frac{192}{15}\text{ or}\right)$ 12·8 gros tournois in the currency of Barcelona. As 12 Jaca pence passed at this time for 14 pence of Barcelona, the Jaca penny must have then been a little less $\left(\frac{14}{15}\right)$ than a denier Tournois.

Turning to the coinage of Castile and Leon, it appears that the Marabotin passing for 24 marabotins of silver was worth 12 den. tournois less than a florin, or 11 sol. 6 den. tournois, about ($4{\cdot}32 \times 138 =$) 596 gr. tr. of fine silver, which would give it $\left(\frac{596}{12}\text{ or}\right)$ about 49·5 gr. tr. of fine gold,—a dirhem of gold according to the existing standard of Constantinople. The silver marabotin, or Maravedi, to use the more familiar name, of which 24 passed for the gold coin, would have thus contained about 24·75 gr. tr. of fine silver. The Dobla Castellano, passing also for 24 maravedis, is thus identified with the gold marabotin; and, as the marabotin passed for 15 pepions, according to a charter of Alfonso the Wise, dated in 1258, and the same amount is given in the *Liber Censuum* as the value of *two* alfonsins, the latter coin may be identified with the original castellano. The Castellano, once a coin, now a weight, seems to have acquired its name from bearing the impress of a castle, the arms of Castille,—" tengan un castillo encima, y una C al pie," says the *Recopilation* of Philip II.,—just as the gold coin of Philip de Valois was called " denier d'or a l'Escu," from the shield with the arms of France, borne in token of Philip's claim to the throne. The earlier name of Alfonsin, given to the Spanish coin, may be traced to the numerous kings of the name of Alfonso who ruled over Castille, and issued the gold piece on the type of a Morabetin obolus.[1]

The Double Maroquita and the Vetus Sciliata, names evidently derived from Saracen coins with the mint-marks of *Marakash* and *Sikiliah*, passed respectively for 25 and 22 maravedis; the Massamutin, of which 100 went to the marc of Montpellier, according to the *Liber Censuum*, is reckoned at two-thirds of a florin,—about 36 gr. tr.,—and may be set down as an obolus aureus of the dynasty met with under the name of Massemudini in some of the old chronicles. It seems to be still traceable under the name of the Mahmudi in some of the Eastern systems of coinage. The Malachin, valued at 8 grossi, a little less than the massamutin, a little more than half a bezant, was also apparently an obolus of one of

[1] Muratori, *Ant. It.* vol. v. (*Lib. Cen. Rom. Ecc.*), p. 898; Ducange *in voc. Pepio.* When the value of the escudo de oro was fixed in 1566 at 400 maravedis, raising the ducado of " the Catholic kings" to 429 *mvds.*, the dobla castellano passed for 365 *mvds.* The ducado of Ferdinand and Isabella 65¼ to the marc of Castille, and 23.75 carats fine, giving about 53·8 gr. tr. of fine gold, may be identified with the standard florin, or ducat, which would make the dobla castellano, as in the time of Cabraspino, a coin of a smaller type. Covarruvia, identifying the maravedi de oro of Alfonso the Wise with the bezant, gives to both coins a conjectural value of 480 *mvds.*, 485 according to other authorities, who also identify the coin of Alfonso with the dobla castellano of the 14th century, giving a similar value to the latter, with the weight of a castellano of the present Castillian gold marc, or 71 gr. tr. The table of values left by the Papal Nuncio overturns all these conjectural theories, which are grounded upon the error of identifying the comparatively modern *weight* with the ancient *coin*, ignoring the existence of an earlier Moorish standard. (*Dic. del Leng. Cast. in voc. Ducado, Castellano.*) In the *Liber Censuum* a payment from the " Ecclesia St. Cerni" is entered at p. 889, as " x. sol. pip. vel. 2 Anfusini;" and at p. 898, as " xv. sol. pip. vel. 2 Alfonsini." One of these entries, apparently the first, must be the error of a copyist, through which the *Anfusinus* has been sometimes supposed to have been a different coin from the Alfonsinus.

the numerous dinars. It was also worth 12 pepions, which would identify the weight of the two coins, at the existing proportion of 12 to 1, giving to the pepion in the 14th century a value of about two-thirds of a grosso, or 8 den. tournois. The Pepion (pigeon), once a coin of fine gold, is said by the Spanish authorities of the 16th century to have been replaced in the currency by the Burgalès, a coin of inferior quality; but the "old burgalès" was "bona moneta" in 1290, for "26,000 marabotini de bona moneta, vid. veterum Burgalensium" were at that time worth 7160 livres tournois, giving the burgalès a value of about 6 sol. tournois, or 7 sol. 6 den. in the time of Çabraspino, a little less than the malaquin or pepion in gold.[1] Both pepion and burgalès, like the alfonsin, were evidently oboli aurei, all the earlier coins that issued from the mints of the Christian princes of Spain being apparently of this smaller type. Highest upon the list of Cabraspino stands the "Dupla, magna, lata Saracenorum," valued at 30 Duplæ, or double maravedis, and evidently a double dinar, approaching very closely to the standard of the English gold-noble of the same period.[2]

The silver marabotin or Maravedi was supposed to be worth 10 dineros, and was evidently a *maille d'argent*, representing in silver the obolus aureus of 10 dirhems, just as the Dupla was the silver representa-

[1] *Le Blanc*, p. 168. The pepion could have hardly been a gold coin when the *Liber Censuum* was compiled at the close of the 12th century, and *fifteen* passed for *two* Alfonsins.

[2] This large Saracen coin, containing about 125 gr. tr. of fine gold, was probably a double dinar of Egypt. Pegolotti gives to the "bezant of Egypt" a value of a *sixth* more than the florin, representing $\left(\frac{54\times7}{6}\text{ or}\right)$ 63 gr. tr. of fine gold. He also estimates the weight of the Florentine oz. of 8 florins at 6 bezants of 24 carats and 16·75 carats, evidently a very exact calculation. The Florentine lb. of 96 florins, lighter by 4 florins than the Tower standard of 100, or in the proportion of 24 to 25, was thus the Tournois pound-weight of 5184 gr. tr., giving to the bezant here alluded to a *weight* of $\left(\frac{432\times24}{160\cdot75}\text{ or}\right)$ 64·5 gr. tr., with a carat of 2·6875 gr. tr. As a bezant, according to Frescobaldi, was worth, about the year 1384, a *fourth* more than the Venetian sequin, or about 67·5 gr. tr. of fine gold, if his estimate is correct, and it tallies exactly with the calculations of Cabraspino, the Byzantine hyperpyrus must have remained at the full standard when Pegolotti was writing in the middle of the century, and the bezant of his calculation must have been the dinar of Egypt, a florin and a sixth probably representing its ordinary value in Europe (*Cathay*, vol. ii. note A). The dinar of the early khalifs seems to have been generally a little lighter than the Byzantine solidus, for three *habbas*, according to Al-Makrizi (quoted by Marsden) were deducted from the original standard at a very early period, and Maimonides, writing in the 12th century, gives 61 habbas to the dirhem of Egypt. The present standard of the dirhem, as a weight, throughout Turkey, Syria, Egypt, and Barbary, and the Mocha coffola in Arabia, is invariably 16 killos, or carats, and 64 grains, giving 24 carats and 96 grains to the mithcal, which thus represents theoretically the old standard of the solidus of Constantinople. Assuming the habba to have represented the *grain*, or unit of weight, rather than an actual barley-corn, and that the dirhem of Egypt in the 12th century weighed $\frac{61}{64}$ grains of the Byzantine standard, 15·25 Byzantine keratia would give a dirhem of 42 gr. tr., with a carat of 2·6875 gr. tr., and a dinar of 64·5 gr. tr. In this case the standard of Egypt in the 12th century corresponds with the calculations of Pegolotti in the fourteenth. The reduction in the standard of the khalifs may be traced, probably, to the custom, from time immemorial in the East, of calculating by the "hundred coins," or *mina*; for 96 solidi, or an equivalent weight of gold—two marcs, or a pound of 16 oz.—divided in this manner, would give $\left(\frac{67\cdot5\times96}{100}=\right)$ 100 dinars of 64·8 gr. tr., or 50 to the marc.

tive of the aureus marabotinus, or dinar of 20 dirhems. According to Frescobaldi, the *diremo* was worth a Venetian grosso, of which 24 passed for a sequin; and as the Ducato di Zeccha and the bezant were in the proportion of *four* and *five*, according to the same authority writing about 1384, thus identifying the standards of the sequin and florin of his days, the Venetian grosso was evidently a maille or obolus, and both dirhem and maravedi had shrunk in the fourteenth century into this smaller type, corresponding with an old sterling penny.[1] The maravedi de oro is said to have passed in the reign of Alfonso the Wise for *six* old maravedis, and as in the time of Cabraspino the dobla castellano was worth 12 duplæ, the castellano or alfonsin would have passed for *six*, and the duplæ may thus be identified with the *maravedi viejo*, the argenteus marabotinus, or type of the silver dirhem of the old Morabetin standard, in the thirteenth century. The actual coin in circulation in 1356 was the Coronatus, or *Cornado*, first coined, on account of the depreciation of the dinero, by Alfonso XI. in 1331, each cornado containing 5 oboli, or *malles*, and 6 cornados passing for a maravedi. Three cornados subsequently went to the *blanco*, which was thus originally an obolus of the maravedi, probably deriving both name and origin from the era in which the latter coin became the *maravedi prieto—black* money. The blanco was next coined at 3 to the maravedi, and before the close of the century had shrunk into a cornado. When the Real, which was not in existence in the time of Cabraspino, was first coined, it was the *ochave*, or eighth of an oz., thus corresponding with the gold florin and the silver grosso, or Roman *giulio*, and marking, as it were, the abandonment of the old Moorish standard for another system of coinage, into which the maravedi was fitted as the third of a real —a scruple. It was probably about this time that the Castilian marc was adapted to the marc de la Rochelle, or French sterling-weight, which from this time forward became the monetary standard of the Spanish mint.

VI.

EARLY ENGLISH CURRENCY AND STANDARDS.

THE influence of the mint of Quentavic seems traceable in the old Kentish currency. It may be gathered from a comparison between the

[1] *Cathay*, vol. ii., note A. The standard of the coined dirhem probably varied and fluctuated in different quarters, and at different periods, like that of the dinar. For instance, 25 dirhems of Egypt passed for a dinar in the time of Ibn Batuta, whose contemporary, Pegolotti, gives the value of the gold coin at from 23 to 25 dirhems. But in the following century 30 dirhems, according to Uzzano, passed for a dinar, the value of the gold coin varying from a florin to an *eighth*, and even a *third* more, whilst in weight it was only 1·25 carats heavier. When a Florentine oz. of gold contained about 7·5 dinars instead of 6·67, and passed for about 225 dirhems instead of for about 166, both dinar and dirhem must have diminished in size and value.

Kentish laws and the later codes, that 50 Kentish scillings, the *Drihten-beah*, or king's-wite, and the *Mund-byrd* of the archbishop in Kent, were reckoned in Alfred's reign at 3 lbs. of *mærra*, or unalloyed, pence—the *regius bannus* amongst the Franks—or half as much again as the *mund-byrd* of an ealderman or a bishop; and the same fine may be also traced in the 150 Wessex scillings of fivepence, paid for drawing a weapon in the presence of the archbishop, half as much again as the fine of 100 scillings paid to a bishop for a similar offence. The Kentish scilling was, therefore, a solidus weighing 20 Merovingian, or 15 Caroline pence, an "ore of twenty" containing *five* thrymsas or silfurs instead of *six*, or a "solidus of forty deniers," when the "Stuhi halb Scriptolus" of the old Glossary was reckoned as the *nummus* or *sceat;* and it may be supposed to have been identical with the Loth or Semuncia of the pound that seems to have been perpetuated in Bavaria under the name of the Regensburg pound, or Pfennig-pfund, divided as a marc into 8 oz., or schillings of 30 pence, each answering to the Mancus of 40 deniers; the Semisolidus of 15, and the Saiga of 5 pence, corresponding exactly with the respective scillings of Kent and Wessex. In the ore of 20 pence, as well as in the larger acre, the early influence of Kent over the whole of the south-country is distinctly traceable, and in the Laws of Alfred the fines and valuations are reckoned by the scilling of 5 pence, representing the quarter of an oz. of twenty, and corresponding with the Bavarian saiga and the solidus of 5 oboli—or pfennige—in use amongst the Frisons bordering upon the Franks, of which it was the double; for the substitution of the Caroline penny for the Merovingian denier must have raised the scilling of 20 sceats to the standard oz. of the Tower pound.[1]

Northward of the Thames a different standard is traceable in the pound of 16 sol., corresponding with the Vienna marc divided into 12 "ores of sixteen," each subdivided into 4 scillings, and containing originally 24 light pence. Hence the north-country standard was a *fifth* lighter than that of the south, and all fines and valuations were less in a similar proportion from being reckoned by the ore of sixteen, and the scilling of fourpence—known at the date of the Norman conquest as the "Sol Engleis que est apele quaer denier"—instead of by the ore of twenty, and the scilling of fivepence. The wergild of the thegn, for example, was reckoned at 1200 scillings, or 25 lbs., which, calculated by the north-country lb. of 16 sol., were only equal to 20 lbs. of the south-country standard; whilst the mulct of a tenth of the wergild, or six

[1] *Leg. Æthelb.* 8; *Wiht.* 2; *Alf.* 3, 15; *Ethelred.* vii. 6, 8, 11, 12; *Cnut. Ecc.* 3. A certain affinity seems to be traceable between the Kentishmen, Central Frisons, and Westphalians. By the custom of Engern and Ostphalia, for instance, the widow retained her dowry without any claim upon the personality of her husband; whilst amongst the Westphalians the dowry went at once to the sons, and half the personality was made over to the widow. "If she bear a live child, and the husband dies first, let her have *half the sceat*—or personality"—say the Kentish codes; for the *feoh* went to the child, to be held in ward by the father's kin until he came of age. *Leg. Sax.* tit. viii. ix; *Leg. Æthel.* 78; *H. and E.*, 6.

score scillings, so often met with in the old codes, and amounting to 50 sol. in the south, fell to 40 sol. amongst the Angles beyond the Thames, and is perpetuated in our familiar fine of "forty shillings," representing the ordinary *king's wite* amongst the Angles, the highest penalty that could be levied in any of the lesser courts. From the original practice, however, of giving 24 light pence to the ore of sixteen, each penny was necessarily a *third* lighter than a penny of ordinary weight, which, in the case of the denier of 24 grains, and the pfennig of 16, was easily carried out. Not so, however, with the Caroline penny of 32 grains, for, as the wheat-corn is indivisible, the light penny only weighed $\left(\frac{32\times2}{3}=21\frac{1}{3}\right)$ 21 grains, and the ore of sixteen, weighing in current pence only $(24\times21=)$ 504 grains, fell 8 grains short of the correct standard of 512. Hence the marc and pound of current pence weighed respectively *two* and *three dwts.* less than the standard of weight, or 10 sol. 6 den. and 15 sol. 9 den., instead of 10 sol. 8 den. and 16 sol. The ore of current pence penetrated into Ireland, where it may be recognised in the uinge of 504 wheat-corns; and it is easily traceable in the Galanas, or wergild, paid amongst the Welch, with whom the Boneddig, for example, was valued at 63 cows, each reckoned at 60 pence, giving a wergild of 15 lbs. 15 sol., or 20 lbs. of 16 sols., each weighing in current pence only 15 sol. 9 den. With the almost universal prevalence of the Caroline penny, the lighter pence must have disappeared from circulation, but they left their mark for a time upon every mint in Western Europe. *Two* pence continued to be added to the marc, *three* to the lb. of current pence, long after the original reason for doing so had ceased to exist, and by the regulations of Edward I., when the lb. of 16 sol. had ceased to be acknowledged as a moneyer's standard in England for at least three centuries, the lb. of account of Easterling money was still bound to *weigh* 20 sol. 3 dwt., the difference between the sterling weight of France and Spain, and that of Germany and England, evidently arising out of the omission or retention of these pence. The Marc de la Rochelle, for instance, the standard of sterling weight in the old French mint, weighed *two* dwts. less than the Tower marc, whilst the marc of Augsburg weighed *two* dwts. more, and the standard of the Copenhagen mint is *three* pence over a lb. of 16 Tower oz. In all these cases the additional pence belonging to the pound of account have been either added to, or subtracted from, the standard of weight, retained in its original accuracy at London and Cologne; and the custom of so many mints seems to point to a period in which the lighter ore was widely prevalent.[1]

[1] *Scotland under her Early Kings*, Ap. E. *Welch Gwerth*; *Stat.* 31, *Ed. I.* Kelly is my authority for standards of weight. The lighter marc of 10 sol. 8 den. weighed 2880 gr. tr., and the addition of 2 oz., or 720 gr. tr. raised it to the Tower standard of 3600 gr. tr. The marc of current pence weighed $(2880-45=)$ 2835 gr. tr., and the additional two oz. would have raised it to 3555 gr. tr., the standard of the marc de la Rochelle. Such, I imagine, was the origin of the difference between the two standards. A lb. of pence, weighed by the latter,

Of the three types of the early English coinage which are recognised by numismatists under the names of *Sceatta*, *Styca*, and *Penny*, the sceatta may be supposed to represent the earliest coinage in pure, the styca in base metal. The average weight of about seventy sceattas is given at "about 17 grains (Troy), some weighing as much as 20 grains, others not more than 12 or 13," or in the proportion of 2 to 3, of the pfennig to the denier, of the light to the ordinary penny. From a coin of the Northumbrian Æthelred, who died in 848, a sceatta in fine silver, but "in all other respects like his usual stycas," it may be inferred that the pure and alloyed coins, differing only in value, were identical in type and weight, resembling in this respect the lög-pening and pening-vegin of Norway. In an age in which all money was more or less measured by weight, when an ore of pure silver passed for four or eight ores of adulterated metal, such a course was necessary to avoid confusion. The sceatta and the styca then may be supposed to represent respectively the pure and adulterated coinage struck upon the type of the denarii of the Merovingian period, but upon the accession of the Austrasian House, or soon afterwards, the mint at Quentavic ceased to issue coins of this description, and accordingly no trace of either sceatta or styca will be found in Southumbrian England after the middle of the eighth century. They continued to be coined beyond the Humber for another century, until the invasion of the Danes, and the Northumbrian kings may have retained the distinctive type of their coinage as a sort of protest against the ascendancy of the South.[1]

Offa, or perhaps Æthelbald, seems to have been the earliest sovereign to introduce the penny of the Austrasian type into England. According to the authority already quoted, an average of forty of Offa's coins, which were weighed, amounted to 18 gr. tr., which would give $\left(\frac{4320}{18} = \right) 240$ to the lb.; and, as the coins of his contemporary, Jaenbert, Archbishop of Canterbury, are of the same weight, it may be supposed that the Mercian king, following the example of the great Kaisar, adopted a current pound of 240 pence. If the "Mercian wergilds" may be trusted,

would have only been equal to 237 esterlins of the correct type, or *six* pence short of the pound of account; and the custom of adding *six* pence to every lb. in payments made *ad scalam* in the twelfth century may, perhaps, be traced to this cause—that is to say, a lb. of Esterling pence, at the Rochelle standard, represented a lb. of current pence upon the old principle, 3 dwts. short of the full weight; whilst a lb. of Esterling pence at the standard of London and Cologne represented full weight, and 243 esterlings represented the lb. of account, full weight. Thus it would be necessary to add *six* dwts. to the lb. of current pence, to raise it to the full lb. of account.

[1] Hawkins' *Silver Coinage*, pp. 18, 42.—The weight of Æthelred's coin is 18 gr. tr., or $\left(\frac{4320}{18} = \right) 240$ to the light lb., so that the Northumbrians would appear to have adapted the subdivisions of the Caroline lb. to their own lighter standard. A solitary sceatta of the East Anglian Beonna, a contemporary of Offa, weighing 15·5 gr. tr., points to the existence in that quarter of a coinage of the lighter type, before the introduction of the penny into that part of England—the result of Mercian ascendancy.

30,000 sceattas were equal to 120 lbs. of 20 sol., or 150 lbs. of 16 sol., which would give 200 pence to the latter; and the heavier coins of Offa's successors, generally reaching 21 gr. tr., seems to point to the existence of such a practice. Under Egbert and his son, the weight of the West Saxon penny rose to the Caroline standard, their coins averaging 22 gr. tr., and from this time forward the variations in the weight of the current pence may generally be attributed to the circumstances of the kingdom, though they often seem to correspond with fluctuations in the standard of the currency upon the opposite side of the Channel. In the troubled times of Egbert's grandsons, the penny deteriorated in purity and shrunk in weight, the heavier coins of Alfred's later years telling of a return to a more prosperous era, whilst the *mærra pæninga*, insisted upon in his laws, seem to point to a previous era of debasement; and it may have been in consequence of this deterioration, that, in his agreement with Guthrum, Dane and Twelfhyndman are reckoned "in gold," —a sure sign of a debased currency. As most of the pence of Charles the Bald reach to nearly 32 gr. Paris, or about 26 gr. tr., the influence of the imperial mint seems traceable in Alfred's heavier pence.[1]

In the mulct and in the mint, the progress of the royal authority is traceable over England. The fine of a Hundred in the Danelage, of six score ores of sixteen pence, or 8 lbs., is divided in the so-called Laws of the Confessor into the king's share of 5 lbs., and the ealderman's or sheriff's share of 2 lbs. 10 sol., the West Saxon *king's-bot* of Alfred's Laws, and the ordinary West Saxon *king's-wite* of 120 scillings, telling of the authority of Alfred's race over the North country; whilst the share of the Decanus, or head of the Tenmantale, assessed at 10 sol. or 30 *Anglian* scillings, the lesser *wite*, or ordinary fine of the Hundred-court, points out the fact that, though the "relationship to the king" alluded to in Canute's laws, affected all who were connected with the royal court as king's-thegns—whose tenure was by *reich-dienst*—the community remained uninfluenced by the change, and the lesser courts continued to be regulated by earlier custom. So in the "commoda ad valentiam *quinque* solidorum ad minus," and the "pœna *sexaginta* solidorum" of Glanville, may be traced the half-mansus of the Jus Benificii and the *king's-wite* at the Frank standard of 60 sol., which is first seen in the *king's-bot* of 6 lbs. in the Conqueror's Laws; whilst in the court of the Count 40 sol., and in the court of the Hundred, and of "tous icous ki curt unt en Engleterre, xxx solz en solz Engleis," continued to be paid according to earlier custom. Uniformity in the coinage was first insisted upon in the laws of Athelstan, in whose reign the pence of a south country king appear for the first time with the mint-mark of York. Both the Kentish prelates, and the Abbot of St. Augustine's, possessed at this time the right of coinage, but in no other quarter of Southern

[1] *Hawkins*, p. 24, 50; *Le Blanc*, p. 124. The lighter standard was evidently retained throughout the North country until the extinction of the Anglian kingdoms, in consequence of the invasion of the Danes.

England was a subject allowed to exercise a privilege which the West Saxon line of kings seem to have long retained as peculiarly a royal prerogative. "Let no man have a moneyer except the king," are the words of Ethelred's agreement with the Anglo-Danes of the Five Burghs of Mercia; and though Chichester possessed *three* "cunei" in the reign of John, two belonging to the king, one to the bishop, only *two* moneyers were apportioned to the same city by the regulations of Athelstan, both belonging to the king. The privilege, however, of a bishop's moneyer, which is assigned in the Domesday Survey to Hereford and Norwich, as well as the coins struck by the Archbishops of York, seem to point to a right of coinage belonging to certain leading ecclesiastics in the kingdoms of Mercia, East Anglia, and Northumbria, as well as in Kent.[1]

The coins of Canute, though of pure metal, are often light, some weighing but little over 12 gr. tr.; but as the Scandinavian pening of 30 to the ore would have only reached about 13·5 gr. tr., these coins may represent the pening-vegin of the north rather than the old English penny of the lighter type, especially as they do not seem to have been issued by Canute's sons, whose rule was confined to England. By this time the House of Capet reigned over the Western Franks, and their deniers, averaging at first from 23 to 24 gr. Paris, or between 18·8 and 19·6 gr. tr., were fast shrinking into the old Merovingian type. The coins of the Confessor vary very much in weight, but the value of the pound by tale, towards the close of his reign, may be estimated from an entry in Domesday, in which the King's manor of Bosham is rated at "40 lbs., and it is worth the same amount now, but it pays 50 lbs. by weight and assay, which are worth 65 lbs.," thus giving the value of $\left(\frac{240 \times 65}{50}\right)$ 312 current pence to the lb. by weight and assay, or at the rate of 218·4 to the Paris marc de Troyes, corresponding with the standard of Philip I. The mints upon the opposite side of the Channel seem to have still exercised an influence upon the English coinage. Numbers of the Confessor's coins of his earlier types have been found in the Scandinavian kingdoms, few, if any, of the later, which may be ascribed to the abolition of the Danegeld in 1052, when the *Litsmen* were disbanded—the foreign force that guarded the realm of England for the Danish kings—who were evidently accustomed to carry off their pay to the north. The marc supplanted the pound as the standard of weight in France during the reign of Philip I., and the currency began to be depreciated, an example not followed in England, for any length of time, before the introduction of a gold coinage in the reign of Edward III. It would appear as if, from the era of this depreciation in the French currency, the English coinage ceased to be influenced by the French mints.

[1] *Leg. Conf.* xxvii.; *Leg. Will.* xlii. xlvii.; *Leg. Ath.* 84; *Ethelred*, iii. 8; Ellis, *Introd.* i. p. 176; *Claus. VI., John, m.* 1. So amongst the Old Saxons, the introduction of the imperial authority raised the *Hochste-gewette* to the Frank standard of 60 sol., whilst for all causes tried by the courts of the duchy (*infra patriam*), the highest gewette remained at 43 sol., or four times the amount of the ordinary fine of 12 sol., as amongst the island Saxons.

The coins of the Norman kings, though of pure silver, are of light weight. Stephen's reign was an era of confusion, and when Henry II. issued his Nova Moneta towards the close of his reign, 215 of his new pence were worth the old pound by tale. From this time forward the weight and currency of England were both founded upon the penny of 32 wheat-corns, which acquired the name of *Esterling*, or German penny, from representing the penny of the Pondus Caroli Magni, the monetary standard of the Empire.[1]

The standard of London was confirmed rather than established by the regulations in the Institutes of Ethelred, enacting that "every pound shall be marked to the weight of the pound by which our *pecunia* is taken, so that *fifteen* ores go to the pound."[2] London weight was again confirmed by Magna Charta, and it may be seen from the Statutes of Henry III. and Edward I. that it was based upon the Sterling penny of 32 wheat-corns, 12 dwts. going to the shilling, 20 dwts. to the oz.; "and every thousand contains x. c., and every hundred vi. xx.," continues the Statute of Edward, in reference to certain articles of commerce, so that the hundred was still sometimes reckoned at six score, whilst the gross of twelve dozen retains the recollection of the great hundred. The pound of pence contained 20 sol., but for ordinary commercial purposes it was raised to 25, and divided either into 12 oz. of 25 pence, or 15 oz. of 20; and this heavier pound, to which Fleta gives the name of *Libra Mercatoria*, was in ordinary use in 1419, when the *Liber Albus* was compiled; for no "avoir du poys" was to be sold "sinoun par Balaunce de l'Estandarde," which, by the custom of London, was "the lb. of 15 oz." The Merchant's pound appears in the Scottish Statutes of the Guild under the name of "King David's pound," and may have been introduced by the king as the standard of southern Scotland, destined to supersede "Caithness weight," probably the Veitzslo lb., or silver-weight, of the Northmen, which was apparently the standard of the north. After the middle of the fourteenth century, the pound sterling ceased to be the standard of weight. From 1351 to 1411 it only contained 16 sol. of fine silver, shrinking between the latter date and 1464 to 8 oz., or a marc, and then still further to 10 sol. 8 den. (the old light marc of 8 oz. of sixteen pence), or little more than 6 oz. In a Statute of Henry VII., at the close of the fifteenth century, it was enacted that the bushel was to weigh 8 gallons of wheat, the gallon 8 lbs. Troy, each pound containing 12 oz. of Troy weight, each ounce 20 sterlings, each sterling 32 wheat-corns, "according to the old laws of the land;" an Irish Act, dated in 1483, also alluding to "the pound of Troy-weight of London, to be used in this land." Thus, as the sterling pound shrunk into a money of account, the standard of weight kept at the Tower seems to have gradually acquired the name of "Troy-

[1] *Le Blanc*, p. 146-150; Ellis, *Introd.* i. p. 164. The "pund be getale" is distinguished from the "pund be gewihte" in some Anglo-Saxon wills as early as the reign of Ethelred. Thorpe, *Diplom.*, p. 558, 572, 577.

[2] *Ethelred*, vi. 9.

weight of London," or "London Troys," to distinguish it from the current pound; probably because the standard of weight in France, the Paris Poid de Marc, was known as "the Pound Troy of Paris," or "Paris Troys," to distinguish it from the Livre Parisis and the Livre Tournois. London weight, or the Troy pound, was raised by Henry VIII. to its present standard in 1526, and thus the true Sterling standard, or Tower pound, latterly known as London Troys, became a thing of the past, just about the time when Charles V. confirmed its equivalent at Cologne, as the monetary standard of Germany.[1]

By introducing "French Troys" into Scotland, James VI. assimilated the Scottish standard to the English; for the old "Commercial pound" of 7600 gr. tr.—*Dutch* Troys rather than French—was long in use upon either side of the Tweed; and after the earlier standard of the mint was replaced by the modern Troy pound, the commercial standard of France and Holland seems to have been substituted for the old weight used for lighter goods, or *Avoirs du Pois*, the "merchant's pound" of 15 oz., whilst the "Winchester bushel" supplanted the London measure. Reckoning the imperial bushel at 80 lbs. liquid measure, or 60 lbs. of wheat, the imperial gallon contains 7 lbs. 8 oz. of wheat, or 8 lbs. of 15 oz.; and, by a similar calculation, the Winchester bushel gives a pound of 6742 gr. tr.; the bushel of Elizabeth a pound of 6726 gr. tr. Hence it is evident that, by the substitution of the Winchester for the London standard, the pound of 15 oz. of 20 dwts., or the old weight for *Avoirs du Pois* (= 6750 gr. tr.), was established as the basis of reckoning in the place of London Troys, or the Tower pound of 12 oz. of 20 dwts. (= 5400 gr. tr.)—in other words, the South-country pound of 15 "ores of twenty" supplanted the Anglian pound of 15 "ores of sixteen,"—a fact which must be always borne in mind in calculating the lighter weights and measures which were in existence before the sixteenth century. The Avoirdupois pound was raised from 15 to 16 oz. at some uncertain period, probably during the reign of Elizabeth, when it was first established as an authorized standard weight, though the ounce is 12·5 gr. tr. short of the original weight of the old London standard.[2]

NOTE C.

OLD Scottish weight, like old Scottish burgh law, retains the impress of a Northumbrian origin. The old Newcastle *Keel* of coals contained 8 chaldrons by Newcastle, about 15½ by London weight, the north-country standard being evidently, in theory, double the weight of that of London. The Scottish *Firlot*, or quarter-boll, answered to the English bushel, and, as the Scottish chalder contained 64 firlots, whilst the

---

[1] *Stat.* 51 *Hen. III.*, 31 *Ed. I.*, 12 *Hen. VII.*; *Lib. Alb.* i. p. 588; *Act. Parl. Scot.* i. p. 5, 309. Compare Ruding and Hawkins.

[2] This is further shown from the fact that a cwt. of 112 lbs. avdp. = 144 lbs. Tower, or a great hundred—a gross of lbs.—by the old London standard. The standard of weight in the

English chaldron contains 32 bushels, the Scottish measure evidently represents the old Northumbrian standard. Northward of the Forth the boll was considerably heavier than the standard of southern Scotland, owing, perhaps, to the influence of Caithness weight, which was probably akin to the Scandinavian silver weight, or Veitszlo pound of 16 oz. As the earliest known pound-weight in Scotland seems to have been the Caithness standard, the Scots, like the Irish and Norsemen of early days, may have ignored the pound-weight, and used some equivalent of the Irish tinde, or the "hundred ores"—the cwt. of ounces—before they adopted the standard with which the Norsemen replaced their original lighter weight. Tron weight simply represented the public standard for weighing heavier goods. It may be gathered from the *Liber Albus* that all goods weighing less than two London stones, or 25 lbs., paid *pesage*, and were weighed by the pound for *avoirs du pois*. Beyond that weight they paid *tronage*, and were weighed by the king's *Tron*, which was brought to the seller's door, under the charge of the *Ponderarius*, or *Poynder*, at the cost of the purchaser. From the reign of Ethelred, perhaps earlier, *Trons* were marked to the king's weight, and seem to have been supplied to the Eo[illegible]ghs when required; but the innumerable variations in the Tron weight of Scotland point to the want of a commercial capital to supply a common standard, each burgh apparently adopting its own.

NOTE D.

Most of the names which were in use amongst our ancestors for measures of a certain fixed capacity, the *Amber* or amphora, the *Sester* or sextarius, the *Mitta*—Muid, Mud, or Modius—the *Mina* and the *Statera*, tell of a Roman origin; whilst a certain vagueness seems to have attached originally to the *Seam*, the *Keel*, the *Wey*, the *Fother*, the *Eskippa*, and other names which appear to have been derived from a Teutonic source. The Amber, which survives apparently in the German *Ohm*, the Scandinavian *Ahm*, was a measure of 4 bushels in the thirteenth century, by the London standard, whilst from a passage in a Kentish will of the ninth century—"xxx. ambers of good Welsh ale, which are equal to xv. mittas"[1]—the Mitta contained two Ambers,

hands of the seller has a natural tendency to diminish, and as 112 lbs., merchant's weight, are only equal to 140 lbs. Tower, by reckoning them as a great hundred of 144 lbs., the oz. shrunk from 450 gr. tr. to 437·5 gr. tr. (450 : 437·5 :: 144 : 140). When avoirdupois from a customary became a statutory standard, *sixteen* of these lighter ounces seem to have been given to the standard of ordinary weight, thus raising the cwt. to its original amount, answering to 144 lbs. Tower, or the old Sterling and London Troy standard.

[1] Thorpe, *Diplom.* p. 460. This represents the allowance given to the monks of Canterbury on the anniversary of the death of the original donor, a mitta of honey and two of wine being also provided for the same occasion. An ox, 4 sheep, 2 flitches, 5 geese, 10 fowls, and 10 lbs. of cheese, or, if the anniversary fell on a fast-day, a wey of cheese and "fish, butter, and eggs, what can be got," represent the solid portion of the entertainment. Unless the measures were smaller than in the thirteenth century, the proportion of liquid seems considerable, whether the mitta is reckoned at 64 gallons or 80; giving at the lower standard 600 imperial gallons of ale, 750 at the higher, with a chance of 80 or 100 gallons of wine in addition. A monk's ordinary daily allowance at Abingdon was a gallon of ale, or 5 imperial pints, and the same allowance was given to many of the fishermen and other servants of the See of Rochester, some getting more, others less. A wider margin, however, must be given for festivals, to judge from the rule laid down in Theodore's Penitential, that if a priest or monk got exceedingly drunk "pro gaudio in Natale Domini, aut in Pascha, aut pro alicujus Sanctorum commemoratione, et tunc plus non accepit quam decretum est a senioribus, *non nocet*," "or *if the bishop ordered it*," the rule goes on to say, "*non nocet, unless the bishop gets drunk as well.*" A bishop with a seasoned head must have been popular in his diocese (Theod. *Pœn.* xxvi. 9). The Custumal also alludes to "a monk's loaf," and a "man-at-arms' loaf"—*panis monachi* and *panis armigeri*—though it does not say which was the largest.

answering by the London standard to a quarter, or the fourth of a chaldron. Kelham, however, gives 10 bushels to the Mitta, which, *if he is correct, would answer to the* south-country standard, which seems still traceable in the Wey of *five* quarters, 10 combs and 40 bushels, London or the old standard measure being represented by the chaldron of *four* quarters, 8 combs and 32 bushels. In Kent, according to the Rochester Custumal, 5 Eskippas went to the mina, 2 to the quarter, and 8 to the seam, 3 Seams making a comb; but there is no clue to the size of the Eskippa, though the name seems akin to the French chopine, or *Schoppen*. In liquid measure, 2 Pots made a gallon, 2 Gallons a boll in the same quarter. The Sester of London was a measure of four gallons, according to Fleta, and 52 sesters of pure wine went to the cask. The Fother was a cart-load, the Seam was apparently the load of a pack-horse, and, according to the Statute of Edward I., a sack of wool and a seam of wheat ought both to weigh 28 stones, or about 3 lbs. over 19 stone by the present standard. When the gallon of wine *weighed* 8 lbs., and the pint was a lb. of the Tower standard, measures were much smaller and lighter than at the present time. The pint, for instance, in liquid measure answered to about 12·3 oz. avdp. instead of 20 oz., and the gallon would have held about 98 oz. 8 dr., instead of 160 oz., or a little under 5 imperial pints, at which it may be reckoned for all practical purposes; whilst the London bushel of 64 lbs. Tower-weight, contained $\left(\frac{64\times5400}{7000}=49{\cdot}5 \text{ or}\right)$ as nearly as possible 50 lb. avdp. of wheat, or five-sixths of the present standard. Customary weight and measure often differed from the King's standard, and were generally below it. The Sester "majoris mensuræ" is occasionally distinguished in Domesday from the Sester "of the burgh," and the Guildhall foot was shorter than the standard of the King's yard. The privilege of using a customary or private standard seems to have been occasionally an object of desire, for the Bishop of Worcester is represented as purchasing Ceolmund's haya in London, with the liberty of having "modium et pondera et mensuram, sicut in portu meo est," for 60 scillings, or a pound, the price paid originally by Ceolmund, with a yearly rent of 12 pence to the King. The charter is marked by Kemble as of doubtful authenticity, which only tells still more strongly for the supposed advantages of the privilege.[1]

The existence of another system seems also traceable in the *Church-mitta* mentioned in one of the charters of Edward the Elder. When Gregory the Great limited the size of the modius in use upon the Church-lands to 18 sextarii, he probably inaugurated the system of measurement which seems to have become the ecclesiastical standard, particularly in those countries in which ecclesiastics and their dependants so long continued to live by Roman law, and the great body of the laity by Teutonic custom. The size of the authorized *Ancing* is carefully laid down in the Capitularies, 40 perches by 4, measured by a pole of 10 feet, evidently the Roman *decempeda;* the same measurement appearing in the Bavarian laws as the standard of the Church-lands in that quarter, and indeed as a general standard, for the Bavarian *ruthe*, or measuring-pole, was 10 feet in length. The *Ancing* was a *corvée* or measure of work, as well as a surface-measure, defining the amount of labour to be performed by the dependants of the Church, just as the modius of 18 sextarii, or 22 lbs., was the measure by which they paid their corn-rent and other similar dues. The mention of a *Church-mitta* seems to point to the introduction of this ecclesiastical standard into England, and the Rochester Custumal appeals to "the Archbishop's pound" as a recognised standard of weight; but the high sense of prerogative exhibited by the House of Egbert, and by none seemingly more than by the great Alfred, appears to have soon placed the standard of the Church upon a level with other "customary" weights and measures. "By the Confessor's direction, and by his own measure, it is justly fitting that the thralls work for their hlafords over all the district in which he shrives. And it is right that there be not any measuring-rod longer than another, but all regulated by the Confessor's measure; and let every measure in his shrift-district, and every weight be, by his direction, very rightly regulated;

[1] Ellis, *Introd.* vol. i. pp. 133, 134; *Cust. Roff*, pp. 32-35; *Lib. Cust. Lond.* vol. i. p. 117; *Cod. Dip.* 280.

and if there be any dispute, let the bishop arbitrate. And let every burg-measure, and every balance for weighing, be, by his (the bishop's) direction and furthering, very exact." Thus the Church was the protector of the thrall, but the measure was the *Gyrd* of the King, and the weight "the pound in which our *pecunia* is received."[1]

MEDIÆVAL STANDARDS.

A.

24 / 28 } grains = 2 oboli = 1 denier.

96 / 112 } ,, = 8 ,, = 4 = 1 tremissis.

288 / 336 } ,, = 24 ,, = 12 = 3 = 1 semuncia.

576 / 672 } ,, = 48 ,, = 24 = 6 = 2 = 1 oz.

2304 / 2688 } ,, = 192 ,, = 96 = 24 = 8 = 4 = 1 half-marc of { 6 sol. / 7 sol. }

4608 / 5376 } ,, = 384 ,, = 192 = 48 = 16 = 8 = 2 = 1 marc of { 12 sol. / 14 sol. }

6912 / 8064 } ,, = 576 ,, = 288 = 72 = 24 = 12 = 3 = 1½ = 1 pound of { 18 sol. / 21 sol. }

B.

16 grains = 2 hellers = 1 pfennig.
64 ,, = 8 ,, = 4 = 1 flamske.
192 ,, = 24 ,, = 12 = 3 = 1 loth (sol. of 2 trem.)
384 ,, = 48 ,, = 24 = 6 = 2 = 1 ore (Austrasian sol.)
1536 ,, = 192 ,, = 96 = 24 = 8 = 4 = 1 half-marc of 4 sol.
3072 ,, = 384 ,, = 192 = 48 = 16 = 8 = 2 = 1 marc of 8 sol.
4608 ,, = 576 ,, = 288 = 72 = 24 = 12 = 3 = 1½ = 1 pound of 12 sol.

---

[1] Greg. *Epist.* L. 1, c. 42; Pertz, *Leg.* vol. i. p. 216; *Leg. Baio.* tit. i. 13; *Inst. Pol.* vii.; Thorpe, *Diplom.* p. 144. Neither the modius of Isidore, nor its subdivisions, correspond with the old Roman standard, which, however, was still in existence when he wrote, under the name of the Italian modius, three of which, as of old, went to the Amphora or Pes Quadratus of wine. The measures which seem to have been in ordinary use in his time bear a close resemblance to the standard of Gregory, the medimnus of 220 lbs., and the modius of 44 lbs., corresponding exactly with the modius of 22 lbs., which would have been an ordinary or minor modius, the tenth of the decemmodia, or large medimnus. Isidore recognises two systems, giving the original standard of 10 drachmæ to the cyathus, defining the cotyla as a hemina of 6 cyathi or 60 drachmæ, and then describing the hemina as a pound, the sextarius as two pounds, the lesser measures following the older, the larger corresponding with the later system. Thus Isidore starts afresh, as it were, from the hemina of a pound-weight as the basis for the measures of capacity in ordinary use. Our own statute pint has always been a pound of 12 oz. from the time when it first appears. Cotgrave reckons the quart at 32 oz., giving a pound of 16 to the pint of his days; Whiston calculates in "pints or pounds," and the imperial pint of wheat still represents a pound of 15 oz. Thus before the days of Isidore a system seems to have grown up in the old Roman provinces which was based upon the pound-weight of wheat, supplanting the older standard, which, to judge from the name of *Hemina*, must have once been based upon a *Mina* of "six score" or 120 coins, and this novel system appears to have been closely connected with the standard of Gregory, representing apparently the standard of ecclesiastical Rome.

C.

64 grains = 8 hellers = 4 pfennig = 1 quent.
256 „ = 32 „ = 16 „ = 4 = 1 loth.
512 „ = 64 „ = 32 „ = 8 = 2 = 1 ore.
4096 „ = 512 „ = 256 „ = 64 = 16 = 8 = 1 marc of 10 sol. 8 den.
6144 „ = 768 „ = 384 „ = 96 = 24 = 12 = 1 pound of 16 sol.
7680 „ = 960 „ = 480 „ = 120 = 30 = 15 = 1 pound Tower.

32 grains = 1 penny. 384 grains = 1 solidus.
9600 grains = 25 sol. = 15 oz. = Libra Mercatoria.

D.

96 grains = 8 hellers = 4 pfennig = 1 quent.
384 „ = 32 „ = 16 „ = 4 = 1 loth.
768 „ = 64 „ = 32 „ = 8 = 2 = 1 ore of 2 sol.
3072 „ = 256 „ = 128 „ = 32 = 8 = 4 = 1 half-marc of 8 sol.
6144 „ = 512 „ = 256 „ = 64 = 16 = 8 = 2 = { Marc of Vienna. / Frison full-merc.

48 grains = 1 broad penny. 576 grains = 1 solidus.

E.

21 grains = 1 light penny.
84 „ = 4 = 1 scilling.
504 „ = 24 = 6 = 1 ore of sixteen.
4032 „ = 192 = 48 = 8 = 1 marc of 10 sol. 6 den.
6048 „ = 288 = 72 = 12 = 1½ = 1 pound of 15 sol. 9 den

16 ores of sixteen = the lb. de Troyes.

F.

32 grains = 1 denarius.
48 „ = 1½ = 1 scat.
96 „ = 3 = 2 = 1 double.
160 „ = 5 = 3⅓ = 1⅔ = 1 saiga (scilling of Wessex).
480 „ = 15 = 10 = 5 = 3 = 1 semi-solidus (scilling of Kent).
960 „ = 30 = 20 = 10 = 6 = 2 = 1 solidus (mancus).
3840 „ = 120 = 80 = 40 = 24 = 8 = 4 = half-marc of 10 sol.
7680 „ = 240 = 160 = 80 = 48 = 16 = 8 = marc of 20 sol.

7 denarii = 1 tremissa (of the oz. de Troyes).
5760 grains = 180 pence = 12 semi-solidi = 1 pound of 15 sol.
11520 „ = 360 „ = 12 solidi = 1 pound of 30 sol.

G.

80 grains = 5 hellers = 2½ pfennig = 1 Regensburg penny.
240 „ = 15 „ = 7½ „ = 3 = 1 groschen.
960 „ = 60 „ = 30 „ = 12 = 4 = 1 schilling.
7680 „ = 480 „ = 240 „ = 96 = 32 = 8 = 1 pfenning-pfund.
38400 / 960 „ = { 2400 / 60 } „ = { 1200 / 30 } „ = { 480 / 12 } = { 160 / 4 } = { 40 / 1 } pfund of / black pence.

H.

10 penings, or 2 feet = 1 ell of Wadmal.
40 „ 8 „ = 4 = 1 silfur.
60 „ 12 „ = 6 = 1½ = 1 ore of Wadmal.
240 „ 48 „ = 24 = 6 = 4 = 1 half-marc.
2 marcs 96 „ = 48 = 12 = 8 = 2 = 1 marc.
5 „ 240 „ = 120 = 30 = 120 = 5 = 2½ = a hundrada.

12 ells = 1 Swedish ore. 96 ells = 1 Swedish marc.
48 pence = 4 wede = 1 Frison hreilmerc.

K.

8 log. pen. = 4 grey pen. = 1 pening-vegin.
24 „ = 12 „ = 3 = 1 skatt-pening.
240 „ = 120 „ = 30 = 3 = 1 ore-vegin.
4 marcs = 2 marcs = 120 = 40 = 4 = 1 half-marc-vegin.
8 „ = 4 „ = 240 = 80 = 8 = 2 = 1 marc-vegin.

120 skatt penings = 12 ores.
240 „ = 3 marcs.
480 „ = 6 „
1440 „ = 18 „

L.

4 grains = 1 leth-pinginn.
7 / 8 „ = 2 = 1 pinginn.
21 / 24 „ = 6 = 3 = 1 serepall.
504 / 576 „ = 144 = 72 = 24 = 1 uinge.
10 lbs. of 15 sol. 9 den. / 10 lbs. Byzantine / 10 lbs. de Troyes = 120 / = 140 = 1 tinde.

A.

The ordinary Byzantine lb., or Libra Occidua, apparently the mint-weight of the Merovingians, and the heavier lb. de Troyes, probably the standard of weight. The half-marc of the lighter lb. was long the standard of the Northmen, and the semuncia represents a solidus of *three* tremisses and *twelve* pence. The influence of the marc de Troyes upon the mint seems first traceable under the later Carlovingians, and the half-marc, which was identical with the Frison little pund of 7 sol., was long the standard of the currency of Northern France as the Livre Parisis.

B.

The Byzantine marc, or eight oz. of the Libra Occidua, each weighing 24 deniers, divided upon the Wendish principle into a lb. of twelve oz., each weighing 24 pfennige—"ores of sixteen" deniers. The ore is the Austrasian solidus, the loth a solidus of *two* tremisses, with the equivalent of the flamske, or Frison groat of *two* sterling pence, representing the tremissis. This was probably the original of the lighter scilling, and before the "twelve punds eerwis," amongst the Frisons, were reckoned by the little pund, it represented a wergild of 1440 solidi, reckoned by the ore of sixteen, or in flamsken $\left(1440 \times 2 = \frac{2880}{240} = 12 \text{ lbs.}\right)$. The half-marc of 4 sol. is traceable in many of the small Frison merks. This standard is conjectural.

C.

The light marc of eight, and light pound of twelve, ores of sixteen, the original standard of the Cologne marc, and of the north of England,

and probably of Northern Germany. Fifteen ores raised the pound to the weight of the Pondus Caroli Magni, or Great Pound of Cologne, the standard of southern England from the reign of Egbert, the Tower pound of twelve oz. of twenty pence. Fifteen of these heavier oz. made the Libra Mercatoria, the commercial standard in England for "Avoir du poys," until the reign of Henry VIII., and known in Scotland as "King David's pound." The addition of a penny to every ore—the ore of the Cologne marc is supposed to weigh 544 instead of 512 each—raised the weight of the Great pound of Cologne to the Troyes standard. If it was added to the lb. of 12 oz., the latter weighed 21 sol.; if to the lb. of 15 oz. it weighed 21 sol. 3 dwts. the familiar lb. of account. The Easterlings probably rejected the standard and the allegiance of the later Carlovingians at the same time.

D.

The marc of Vienna and Frison full-marc, or marc of eight full ores of 24 pence, weighing 16 sol., or half as much again as the light marc of 10 sol. 8 den., in the proportion of *three* tremisses to *two*. The ore and marc of *B* appear as the loth and half-marc in *D*.

E.

The ore, marc, and lb. of current pence, at one time apparently in general circulation throughout England and northern Germany, and subsequently known as Wendish pence. From the use of this currency originated the custom of adding two dwts. to the marc, three to the lb., to raise their weight to the full standard.

F.

The standard of Bavaria, in the twelfth century, retained traditionally by the permission of Charlemagne, representing the lb of 20 sol., divided as a marc, with the mancus or Merovingian "solidus of forty deniers" for the oz. Before the introduction of the Nova Moneta amongst the Saxons and Frisons, the use of this solidus was continued in their intercourse with the Franks, and the custom seems to have been left unaltered in the case of the Bavarians. The *Scotus* is the broad-penny; the Double-scat, the thryms, or silfur—known apparently as the *Saiga* in many parts of Germany at this time. The Bavarian saiga, the equivalent of the West-Saxon scilling, represents the tremissis of the semisolidus, weighing 480 grains, the equivalent of the Kentish scilling, which would have been the oz. in a lb. of 15 sol., weighing 5760 grains. In both our standards, Tower and Troy, the oz. is supposed to weigh 480, and the lb. 5760 grains, and a pound of this actual weight, half the full standard of 30 sol., with a marc of 10 sol., the half-marc of the full-marc, may have been the original standard of southern England. In the tremissa of 7 den. may be recognised the influence of Troyes weight, under

the later Carlovingians, upon the Bavarian as well as upon the Rhineland standard.

G.

The Regensburg pound, representing the old Bavarian standard at a later period, when it had evidently dwindled into a lb. of adulterated pence, the equivalent of the marc of penings amongst the Northmen. The addition of *six* pence to each current lb. of account gave 41 schillings, instead of $(5 \times 8 =)$ 40, to the pound of black money.

H.

The Norwegian marc-wadmal, the ell of four to the silfur answering to a denier. The Frison breilmerc, when the penny was an ell, was identical with the Norwegian marc-wadmal; the Swedish, worth *two* marcs of penings at a later period, was a full-marc, double the size of the Norwegian standard. The *penings* represent the coinage alluded to by Snorro, ten to the ell, forty to the silfur, and a marc to the ore-vegin—the standard of the later Log-penings.

K.

The Norwegian marc-vegin, or standard of silver-weight; the marc of grey-silver, and the marc-logaura or legal currency. Grey-silver, of the same value as wadmal, was probably its earliest substitute, representing "the silver used for sacgild" of the Gragas. As soon as the Northmen emerged from the era of bullion and wadmal they adapted their coinage to the light-penny of the ore of sixteen, 30 to the oz., the skatt-pening answering to the flamske; though, as their ore weighed 18 instead of 20 Caroline pence, both pening and skatt-pening were of a rather lighter type. The marc-logaura, or marc of penings, stood in the same proportion to the marc-vegin as silver to gold, 1 to 8, in the twelfth century, when the code of the Gragas was compiled; in other words, it was of much the same value as the Frison "old money," of which 8 marcs 2 oz. passed for a marc of Caroline pence in the Carlovingian era. As the marc of Caroline pence weighed 10 light oz., in the proportion of 8 to 1, it would have passed for 80 light ores of sixteen, and the custom of adding *six* pence to the *pondus ad scalam* would have added a half-penny to each ore, 40 pence, or *two* oz.; so that the lb. of silver at the close of the Merovingian era passed for eight "lbs. of account." The introduction of a coinage brought about a change in the method of reckoning the Norwegian wergilds, which were originally calculated in wadmal, a system still traceable at a certain period in the English Danelage. In the Northumbrian Priests' Law, whilst the *Lah-slit* of the Ceorl is reckoned at 12 ores, and of the Land-agende man, or Bonder, at six half-marcs—the *Baug* of the Icelandic Leysing and Freeholder in the Gragas—the *Lah-slit* of the Liberalis, or king's-thegn, remained at ten

half-marcs, or "two Hundrada-wadmal," the original valuation of the Norwegian Odaller of the allodial period. The Northman seems to have generally adapted himself to the institutions of the country in which he settled. Guthrum, for instance, adopted the wergild and major emendatio of East Anglia; Anlaf Tryggveson, in his agreement with Ethelred, valued his followers at 30 lbs., the wergild of the Frank; and the Norman followers of William were assessed in his Laws at the same valuation, or 45 marcs. And so, when the Northmen abandoned their standard of wadmal, and their valuation by the Hundrada, they adapted their coinage to the currency of Northern Germany, and reckoned their wergilds on the North-German principle. The wergild of the Saxon Adeling, 18 lbs. or 1440 solidi, reckoned by the lesser solidus, becomes in Norwegian currency, 1440 skatt-pennings, or 18 marcs, the Odalsmand's man-bote.

L.

The Irish Uinge and Tinde, or cwt. of oz. The heavier Screpall and Uinge belong to the currency of the Merovingian type, the lighter to a later date, the Uinge representing the current ore of sixteen, the Screpall the light-penny. The heavier Tinde points to the influence of the Troyes standard.

THE YEAR AND THE INDICTION.

THROUGHOUT the East, the civil year began in autumn, the months being originally lunar, and corresponding amongst the Greeks and Syrians, when Josephus wrote, to the Jewish months. But Rome, though she assimilated her silver currency to that of Athens after conquering Greece, and exchanged her silver standard, as she extended her power over the East, for that of gold, which had been current in that quarter from the time of the Assyrians to the age of Alexander, refused to adopt the lunar year. Accordingly, the months of the civil year throughout the East, except in Egypt, were made to correspond with those of the Julian year, but it was a work of time, each month commencing originally with *a.d.* VIII. *Kalendas* before the ordinary Roman usage was finally adopted. Eusebius appears to have been familiar with either custom, for in his Ecclesiastical History he fixes the commencement of the persecution of Diocletian "in the days of the Paschal festival in the month Dystrus, called by the Romans March," elsewhere describing the same date as "the days of the Paschal festival in Xanthicus, called by the Romans April," evidently regarding the latter days of March as if they were contained in either month. Before the close of the same century, however, the Roman usage seems to have generally prevailed, for Epiphanius, in his calculations, dates the commencement of the various months to which he alludes from the Kalends.[1]

It was customary amongst ecclesiastical writers, in the early period of the Christian era, to use a year commencing in spring, corresponding very closely with the sacred year of the Jews, from whom the usage was derived. The Christians of the East began this year with the month of Xanthicus, dating its commencement originally upon the 25th of March, Hyperberetæus beginning upon the 24th of September, representing in that age the first month of the civil year; and it is this latter year that Eusebius uses in his Chronicle. In the Apostolic Constitutions, which were put together in an age familiar with the anniversary of Christmas-day, the Nativity was placed on the 25th of the *ninth* month, the Epiphany on the 6th of the *tenth*, the Equinox (in accordance with the calculations of Anatolius) on the 22d of the *twelfth* month, called Dystrus, and the Passion in the *first* month, called Xanthicus. The whole of March was thus included in Dystrus, or the twelfth month, the ecclesiastical year commencing upon the 1st of April, the civil year upon the 1st of October; the recollection of the former year being still per-

[1] Epiph. *adv. Alog.* xxiv.; Euseb. *H. E.* viii. 2; *de Mart. Pal.* The passages from Eusebius will be found in Clinton's *Fasti*, A.D. 303. The months of the ecclesiastical year may have been assimilated to the Roman usage before those of the civil year.

petuated in the Greek Church, in which, though it is customary to begin the ecclesiastical year on the 21st of March, the commencement is postponed in some quarters to the 1st of April, evidently representing the first day of Xanthicus. After the Eastern months were assimilated to those of old Rome, beginning upon the Kalends, it became customary at Constantinople to date the civil year from the 1st of September, Gorpeius supplanting Hyperberetæus as the first month; and as the Syrians of the Greek and Maronite Churches continue to use this year, whilst the Nestorians and Jacobites adhere to the older custom of beginning the year upon the 1st of October, this change may be supposed to have been subsequent to the separation of the Monophysite Christians from the Orthodox, in consequence of the Council of Chalcedon in 451. Eastern schismatics were accustomed to allude to their orthodox brethren as "Greeks and *Melichites*," including, under the name of Melichites or Imperialists, all the Christians of native race who conformed to the religion of the State; and the retention or rejection of the novel commencement of the civil year, as ordered by the Emperor, or "Melik of Roum," may have grown into a test of orthodoxy.[1]

The Christians of the West, less familiar than their Eastern brethren with the usage of the Jews, seem to have originally commenced their ecclesiastical year on or about the 1st of March, identifying it with the year so long in use at Rome; for Irenæus was obliged to protest against the charge of celebrating Pascha in the *twelfth* instead of in the *first* month, and there were Christians in the age of Epiphanius who continued to hold the festival in the lunar period *before* the 25th of March. Dystrus was evidently reckoned as the first month of the year, as was certainly the case in Gaul, where the ordinary Roman usage would naturally be reflected. The first month amongst the Latins, according to Victorius, fell between the 5th of March and the 3d of April, whilst Gregory of Tours sometimes begins the year with January, at others with March, representing the years that were familiar in his age in the Gallic provinces, where it was subsequently arranged that the first of the two annual synods should be held in the first month "quod est *Kal. Mart.*" The habit of using these years seems to have died away after the revival of the Western empire under the Caroline House. Relics, as it were, of old Rome, and the original empire of the West, they were comparatively unfamiliar to the later converts of Teutonic race, though they were retained in Roman France, under the Merovingian sovereigns, after they had been supplanted in Italy and at Rome by the ecclesiastical year of the Passion, and in official documents, for a time, by the civil year of the Eastern empire.

The Creation, according to the theory of the Eastern world, dated

[1] *Const. Apost.* v. 12, 13, 16; *L'Art de ver. les dates, Diss. Prem.* The *Dissertation* and Clinton's *Fasti* are my authorities, unless when specially mentioned. As late as the Council of Florence in 1440, the Monophysites refused to acknowledge the eras of the Greek and Western Churches, calculating by the era of Alexandria, and the era of the Martyrs, dating the latter from the reign of Diocletian, A.D. 284, both commencing upon the 29th of August, or the first day of *Thoth*, the first month of the Egyptian year.

from the autumnal equinox, their year commencing accordingly; but in the opinion of the Christians of the West the epoch of the Creation corresponded with the vernal equinox, and they antedated the commencement of the year six months. It was a favourite theory amongst the early Christians—put forward, according to the tradition of Beda's age, in a letter written by Theophilus, Bishop of Cæsarea, upon the subject of the Paschal dispute with the Asian Churches—that man was redeemed upon the anniversary of his creation; and the beginning of the year commencing about the vernal equinox thus became connected with the epoch of the Passion. The Paschal cycles were framed upon this year; Victorius, for instance, beginning his canon from the Passion, dating it "peractis annis ab ortu Mundi 5228, . . . inchoante xxix. anno," the year 5229 thus commencing some six months before the year of Eusebius. It was in use apparently in the age of Jerome, who seems to have reckoned July as the fourth month *after*, not the second month *before* the new year; and it was still familiar to the Italian Church in the age of Beda, when it was customary at Rome to inscribe the date of the current year, calculated from the Passion, upon waxen tablets, which were then suspended in the churches. The actual commencement of the year in question seems to have varied within certain narrow limits. Before the compilation by Hippolytus of the first Paschal cycle, dating from 222, the annual commemoration of the Passion seems to have been often celebrated on different days, and it was still regarded in many quarters, and notably in the Cappadocian Church—and amongst the Gauls, according to some accounts—as a fixed anniversary when Epiphanius was writing. The Crucifixion, according to Tertullian, quoting the Acts of Pilate, fell upon the 25th of March, a day that seems to have been often looked upon, in early times, as the anniversary of the Passion, especially amongst the Christians of Africa and the West. Clemens of Alexandria fixed it as late as the 20th of May, but many other dates were assigned to it, generally varying between the 18th and 25th of March; and the recollection of a year commencing about the vernal equinox, upon the anniversary of the Passion, as a fixed date, seems to have been perpetuated in various quarters in the year beginning upon different days between the 18th and 25th of March. After the introduction of Paschal cycles, the habit of regarding the Passion as a fixed date must have grown into disuse, and may have been discouraged; the supposed anniversary of the Crucifixion was dedicated, in course of time, to the festival of the Annunciation; and the commencement of the year of the Passion seems to have varied, under ordinary circumstances, with the Paschal festival. Until about the close of the reign of Charles IX., it was the legal year in mediæval France, opening with the lighting of a wax taper at midnight upon Easter-eve.[1]

[1] Beda, *Prima Æt.; H. E.* v. 21; *De Nat. Rerum* xlviii.; Epiph. *adv. Quartodec.* i., *adv. Alog.* xxvi. The other dates assigned to the Passion will be found in Clinton's *Fasti Romani*, A.D. 29. Victorius dates the first year of his canon "A.M. 5229, Leap-year, *Kal. Jan.*, on a Thursday, Easter-Sunday on the 28th of March, and in the first indiction," agreeing exactly with A.D. 28, the year *before* the consulate of the Gemini, according to the usual calculation.

Four commencements of the year were known in England when Gervais of Canterbury was writing—the Circumcision, the Annunciation, the Passion, and the Nativity. Beda alludes to the latter two in the following passage:—

"Anni ab incarnatione Domini mutantur viii. Kal. Jan. Annus communis, et embolismus, et cyclus decennovenalis, incipit a prima luna primi mensis, id est, ab ipsa quæ terminum paschalem demonstrat, eo anno quo luna prima est x. Kal. Aprilis." The second of these years, the common year commencing about the vernal equinox, has been already noticed; the first answers to the original year of the Incarnation, or of "the Advent of the Lord in the flesh," beginning upon Christmas-day, some nine months after the year of the Passion, and from three to four after the civil year of the East. The selection of the 25th of December for the commemoration of the Nativity dates from a later age than the second century, in which the Acts of Pilate appeared. Certain Christians, when Clemens of Alexandria was writing, were accustomed to commemorate the Baptism on the 6th of January, others placed it on the 11th of the month, and, perhaps in consequence of rendering the passage in St. Luke's Gospel as if exactly thirty years had elapsed between the two events, the anniversary of the Nativity was often celebrated on the same day. The Church of Jerusalem in particular, holding to the tradition, supposed to have been transmitted from "St. James, the brother of the Lord," persisted in celebrating the Nativity upon the 6th of January, a day that was also held in high honour at Rome for some time, as "the second Nativity of the Lord." About the middle of the fourth century, however, during the pontificate of Julius, and about the time that Athanasius was at Rome, documents were asserted to be existing in the Roman archives fixing the correct date of "the census of Cyrenius;" the office of High Priest was supposed to have been filled by Zacharias, and certain calculations, assuming that the angel appeared to him when officiating on the day of the Atonement on the 10th day of the Seventh month, fixed the birth of the Baptist nine months after the 25th of September, the Nativity being dated accordingly exactly six months later, upon the 25th of December. Such is the explanation given by Chrysostom in his homily preached upon Christmas-day A.D. 386, at Antioch, where the novel anniversary had been known for barely ten years; and as the date assigned in the second century to the Crucifixion corresponded with the original commencement of Xanthicus, the first month of the ecclesiastical year, so the date assigned to the Nativity in the fourth century corresponded with the original commencement of Audonæus, answering to January, or the first month of the Julian year. Dionysius, in order to replace the Alexandrian cycle of Cyril, concluding in 531, framed a novel canon upon the basis of the Alexandrian calculations, using, like his predecessors, the common year of the Passion, or ecclesiastical year. The universal adoption of his Paschal cycle, as the ecclesiastical standard of the West, led to the custom of using "the year of the Incarnation according to Dionysius," for his-

torical and chronological purposes; chronicles began to be framed upon the Dionysian cycle, and amongst the later converts to Christianity, comparatively little conversant with the era of the Passion, or with the various years and eras of the East, the actual year, as well as the chronological system, began to be dated from "the Advent of the Lord in the flesh."[1]

The use of the Indiction for distinguishing the year in official documents, in which it is supposed to have replaced the Olympiad, is attributed to Constantine, the first indiction corresponding with the year of Eusebius, 2328, commencing with Hyperberetæus, or upon the 24th of September A.D. 312; but with the alteration in the method of reckoning the commencement of the civil year, the indiction naturally corresponded, both beginning from that time forward, upon the 1st of September. In after times, the earlier was known as the Cæsarian, the later as the Civil Indiction, or as the Indiction of Constantinople, which for all practical purposes may be regarded as the recognised official system of the Eastern empire. The Cæsarian Indiction is supposed to have been used in his Paschal Canon by Victorius, who seems to have been wrongly accused of misplacing it; and from Victorius, or some similar source, Beda must have become familiar with the obsolete method of calculating the indiction from the 24th of September, or the old commencement of the year.[2]

If the Indiction was ever acknowledged officially in the Western empire, it would have corresponded with the original commencement of the civil year. With the extension of the imperial power over Italy during the sixth century, however, the Indiction of Constantinople was unquestionably introduced, finding its way in this manner to Rome, where it was in use for at least five centuries. The first epistle of Gregory I. was dated "in the year of ordination, the month of September, and the *ninth* indiction," which must have commenced before his consecration on the 3d of September 590. "Throughout the month of September in *this present eleventh* indiction," wrote Vitalian, dating his epistle on the 27th of January "in the *eleventh* indiction," or in 668; alluding also to the 19th of December "in *this present eleventh* indiction," in another epistle dated on the 27th of August "in the *eleventh* indiction;" whilst Hadrian II. in 869 despatched three letters dated on the 5th of September "in the

[1] Chrys. *Hom. in diem Nat.* In the old Roman calendar given by Bucher (*de Doct. Temp.* p. 275), who dates it about A.D. 354, the 25th of December is marked as *Natalis Invicti*, or fête-day of Constantine. Not a single sacred anniversary is entered in the Calendar in question.

[2] The indiction is also entered in the Paschal Chronicle, according to Clinton, a year behind the true date, but he seems to have overlooked the different methods of reckoning the commencement of the year. When the Romans wrote up the date of 668 years from the Passion upon Christmas-day A.D. 700, indic. 14, the actual anniversary of the Passion must have fallen in the *thirteenth* indiction; and thus the year commencing upon the anniversary was correctly associated with the indiction of the current civil year, beginning with the previous September. The error lies in confounding the ecclesiastical year used in the Chronicle, commencing from the vernal equinox, with the civil year beginning with the corresponding indiction, some five or six months later, in September. An event happening on Saturday the 13th of September A.D. 458, is placed by Evagrius in the 11th instead of in the 12th indiction. He either reckoned by the old year, or copied the notice from some chronicle compiled before the change.—*Fasti Romani* (Indictions) ii. p. 213.

third indiction," following them up in 870 with six others dated on the 27th of June "in the *third* indiction;" both Popes, in accordance with the official custom of Constantinople, calculating the indiction from the 1st day of September. The usage of the Papal Court remained unaltered throughout the tenth century, as may be gathered from the "Privilegium scriptum per manum Stephani, Nolani episc. et scrinarii S.R.E. iv. Kal. Dec. anno 1 Pontificatus Benedicti VI., indic. ii.;" for as Benedict was raised to the papal chair on the 20th of December 972, and strangled in March 974, the 28th of November in his first year must have fallen in 973, after the commencement of the second indiction in September. Again, after the lapse of nearly another century, a Bull of Leo IX., issued in the second year of his Pontificate—he succeeded in 1048,—was dated on the 7th of September, "in the fourth indiction," which must have commenced upon the first day of the month in 1050; so that in the latter half of the eleventh century the Indiction of Constantinople was still current at Rome.[1]

Beyond the Alps the Teutonic Christians ignored the various eras of the South and East, and Einhard and Prudentius, Hincmar and Lambert, the annalists of Laurisheim, Hildesheim, and Fulda, as well as Beda and the chroniclers in "Saxony beyond the sea," dated by the year of the Incarnation, reckoned from the Nativity, beginning their historical year upon Christmas-day. The Indiction, however, was not in use amongst the Franks in early times, for it was in some sort a badge of dependence upon the Eastern empire, and the day, the year, and the date of the king's reign appear at the most in the *Diplomata* of the Merovingians, and in the Formularies of Marculf. Charlemagne seems to have brought with him from Italy the usage of the Eastern empire, but before the middle of the ninth century the Indiction appears to have been adapted to the year commencing upon Christmas-day. Thus the coronation of Charles the Bald at Metz, on the 9th of September 869, is placed in the *second* indiction, four days after Hadrian II. had dated the letters he sent from Rome in the same year on the 5th of September in the *third* indiction; and the meeting between Charles the Simple and Henry the Fowler, on the 7th of November 921, is placed in the *ninth* indiction, when the *tenth* had already commenced in September, according to the system then current at Rome and Constantinople. From the opening of the eleventh century to the year 1107, Lambert and the Annals of Hildesheim prefix the indiction to the year of the Incarnation—Michaelmas-day, for instance, in 1015 is placed in the *thirteenth* indiction, and in 1021 in the *fifth*, after the *fourteenth* and the *sixth* had respectively commenced, if

[1] Greg. i. *Ep.* 1; Vital. *Ep.* 1, 2; Had. *Ep.* 20 to 28; *Labbe* (Mansi), tom. xvii. p. 780. *L'Art, etc., Chron. des Papes.* Mansi, Norisius, and all the leading foreign authorities, admit that the Popes before Gregory VII. calculated by the ordinary indiction current at Constantinople; but Clinton alone of English writers who have touched upon the subject has avoided the error of attributing a special "Pontifical Indiction" to Rome before the accession of Hildebrand to the papal chair.

dated from the beginning of the month—whilst the Chronicle of St. Benedict, written in the south of Italy, places the death of Landulf, which occurred in November 1077, in the *first* instead of the *fifteenth* indiction, still reckoning its commencement from the first day of September. In short, whilst the usage of Constantinople was followed at Rome and in Italy until the last quarter of the eleventh century—except in a few rare instances where Germanic influences prevailed, as in the March of Verona—it appears to have been customary beyond the Alps to calculate by an indiction corresponding with the year beginning on Christmas-day, which might be distinguished as the Historical Indiction, to avoid confounding it with the true Pontifical Indiction, introduced by Gregory VII.[1]

Like the rest of their northern kindred, the Anglo-Saxons began the year at midwinter, and, at the date of the Council of Cloveshoo, in October 803, which is placed in the eleventh indiction, unquestionably calculated their *Ge-ban* or *Tacencircole* from the same epoch. Several important donations to the See of Winchester, which were made by Egbert in August 825, "in the *third* indiction," were confirmed on the following St. Stephen's day, "in the year 826 and the *fourth* indiction," both year and indiction at this time evidently dating from Christmas-day. Æthelbert's *freols* to Sherborne, again, "was written in the year agone from the birth of Christ, eight hundred and sixty-four winters, and in the twelfth year of the *Tacencircole*. The day was septimo kal. Januarii . . . Then after this it happened *in the same year* . . . on Friday two nights before Easter, etc.," the 26th of December again appearing as the second day of the new year and indiction. Beda, however, certainly used the Cæsarian Indiction. He not only says so, but he places the Council held under Pope Martin between the 5th and the 31st of October 649, in the *eighth* indiction, and the death of the Emperor Constans towards the close of September 668 in the *twelfth*, corresponding respectively with the years 650 and 669 according to the later English usage. He dates his letter to Egbert "on the nones of November in the *third* indiction," or nearly six months after his own death, if he used the indiction beginning on Christmas-day, for he died in May 735; so that he must have reckoned the third indiction from September 734. That he used the Cæsarian Indiction is proved by his placing the Council of Hæthfield, held on the 17th of September 680, in the *eighth* indiction, when, according to the system then in use at Rome and Constantinople, the *ninth* had already commenced on the first day of the month. Nor was

[1] *Labbe* (Mansi), tom. xvii. p. 197. All the annalists and chroniclers alluded to will be found in *Pertz;* the Diplomata of the Merovingians and Carlovingians in *Bouquet*, vols. 4, 5, 6, 7, 8. Out of 135 Merovingian Diplomata only *three* have the indiction, which, in each case, is either given incorrectly or added in a later hand. *Dip. Lud. P.* 8, 10, 57, 96, 101, 110, and many others, dated early in September, point to the use originally of the Indiction of Constantinople; but after 834, and in the Diplomata of Lothaire and Charles the Bald, the Historical Indiction—if it may be so distinguished—is the rule, and the usage of Constantinople the exception.

this system of reckoning the indiction from September peculiar to Beda, for the Moot at Berghamstede is dated in the fifth year of Wihtred and the ninth *gebanne;* and as the King came to the throne towards the close of 690, his fifth year would have expired before Christmas 695, and the ninth indiction, which would have corresponded under the later system to 696, must have been reckoned at that time, in Kent as well as in Northumbria, from the previous September. Between the death of Beda, therefore, and the opening of the ninth century, the earlier system must have been superseded by the custom of calculating the indiction from Christmas-day.[1]

The age of Hildebrand was fruitful of innovations, and amongst the novelties traceable to that period may be reckoned the adoption of a separate Pontifical year and Indiction. Similar changes seems not unfrequently to have marked the accession of a new dynasty, or an interruption in the existing state of affairs. Thus the Olympiad gave way to the Indiction under Constantine, and the Julian year of Pagan Rome was replaced, in official documents, by the civil year of Christian Constantinople. The adoption of the year and era of the Incarnation amongst the Franks closely corresponded with the substitution of the Caroline for the Merovingian House, and the subsequent revival of the Western Empire; whilst the year of the Passion, dating its commencement from Easter-day, first appears as the legal year in France after the accession of the Third Race to the throne. With the declining years of the eleventh century every vestige of the authority once exercised over Italy and Sicily by the Emperors of the East, was swept away for ever by the Normans; but the use of the Indiction of Constantinople in official documents must have still reminded the Papal Court of the former residence of an Exarch at Ravenna, and the severance of the Papacy from every memento of her former dependency upon either Kaiser, may have been as much shadowed forth in the adoption of a Pontifical legal year and Indiction, as by the addition of a circlet to the tiara, and other similar changes full of meaning.

It may be doubted if the original "year of the Incarnation, according to Dionysius," commencing with the last week of December—a year of which Dionysius was probably ignorant—was ever recognised at Rome,

[1] *Cod. Dip.* clxxxiii. clxxxiv. mxxiv. mxxxiii. to mxxxviii.; Thorpe, *Diplom.* p. 125, *Anc. Laws*, vol. i. p. 37; Beda, *Sex. Æt.* (*Op. Min.* p. 197, *De nat. Rerum*, cap. xlviii. The very distinction between the *Geban* of the seventh century and the *Tacencircole* of the ninth, seems to mark a difference between the Imperial Edict and the mere *cycle-token*. Kemble has fallen into the curious error of dating the indiction nine months *after* instead of three months *before* Christmas-day. The rule given by Beda for finding the indiction—add 3, divide by 15, the remainder = the indiction—is perfectly correct, if the distinction between the different years with which each indiction corresponded is borne in mind. In the example given his calculation is curious—"quindecies quadrageni, sexcenti; quindecies octoni, *centies*"—eight fifteens make a hundred, *i.e.*, reckoned at six score. The sole example of a charter dated by the historical indiction in the seventh century (*Cod. Dip.* xii.) is of very questionable authenticity, for it is attested by Leuthaire and Headda as bishops. The diocese of Dorchester was undivided during the episcopate of Leuthaire, and Headda was not consecrated until after the death of his predecessor (*Hist. Ecc.* iii. 7, iv. 12).

—its use, indeed, except amongst chroniclers, being generally confined to the later converts to Christianity. Together with the Indiction of Constantinople, the Popes probably acknowledged the civil year of New or Christian Rome, during the supremacy of the Exarch, without foregoing the use of the Julian year, or of that older year of Pagan Rome which, slightly altered, was perpetuated in the year of the Passion, and in the common year in general use for ecclesiastical purposes. Discarding the usage of Constantinople, Gregory VII. attached the indiction to this latter year, and identifying the Incarnation with the Conception, adapted the novel pontifical year to the "era of the Incarnation according to Dionysius," dating the commencement from the festival of the Annunciation falling in the third month of the current Julian year. Thus the year commencing upon the anniversary so generally assigned throughout the West, in early days, to the Crucifixion, was revived and perpetuated, under the auspices of Gregory VII., as the year of the Incarnation, placing the Conception in A.D. 1, or three months *after* the Nativity upon the 25th of December B.C. 1. The earlier and more correct custom of dating the year nine months in advance of the original year of the Incarnation was known, after this pontificate, as "the usage of Pisa," but only retained amongst the Latin races, familiar from of old with the year and era of the Passion; whilst the novel system introduced by Hildebrand, and distinguished subsequently as "the usage of Florence," was much more generally adopted. Under the sanction of the Roman See, the novel year of the Incarnation found its way into England, where it remained in force as the legal year until the introduction of the New Style, subsequently continuing in use as the financial year, beginning upon "old Lady-day." After the Incarnation was assumed authoritatively to refer to the Conception, the old year, dating from "the Advent of the Lord in the flesh," exchanging its earlier name for the title of the year of the Nativity, was gradually adapted to the Julian year; and with one or the other of these years the Pontifical Indiction was invariably associated. Like other innovations of the period, the Pontifical Indiction gradually acquired the prescription of a remote antiquity, and, as the recollection of its comparatively recent origin died away, many an error arose from attributing to the Popes the use of a distinct and separate indiction, corresponding with the later Roman usage, from the earliest time. The following instance of such a blunder is too remarkable to be passed over.

In the course of the eighth century, Willibald, a follower of Boniface, by whom he was consecrated to the See of Eichstadt, wrote a life of his patron, in which he mentions that the saint was ordained to the episcopate at Rome on St. Andrew's day by Gregory II., receiving the papal blessing and a book of the canons. After the lapse of some centuries, the style of Willibald had become so antiquated that the monks of Fulda were no longer able to understand him—such is the account of Othlon, who adds that the Bishop of Eichstadt, through the density of his intel-

lect, had overlooked many of the Saint's epistles, as well as many of his virtues; for Boniface had not only converted the heathen, but he also put down false Christians and evil priests, a race, continues Othlon, that is not yet extinct. To remedy these omissions, Egbert, abbot of Fulda, at the instigation of the holy Pope Leo—Leo IX., for Egbert died in 1058—sent certain books to Rome; but the scribe employed upon them died without accomplishing his task, and the books remained for many years unnoticed at Rome, and apparently unmissed at Fulda, until they attracted the attention of Othlon: such is his own account. It was from these books that he proposed to supply the deficiencies in the narrative of Willibald; and accordingly, after copying the account of the consecration of Boniface at Rome, on St. Andrew's day—he places it in 723—from the pages of the contemporary writer, he appends an oath of fealty and obedience to the See of Rome, which he supposes to have been sworn on that occasion—an oath entirely overlooked in the narrative of the bishop of Eichstadt. This oath is dated by Othlon "in the *seventh* year of Leo, in the *fourth* of Constantine, and in the *sixth* indiction." Amongst the genuine epistles of Gregory II., the ninth is dated "*Prid. Non. Dec. Leo* 8, *Constantin.* 5, *Indict.* viii.," and the fourteenth "10 *Kal. Dec. Leo* 10, *Const.* 7, *Indict. decima*," corresponding with the 4th of December 724 in the *eighth* indiction, and the 22d of November 726 in the *tenth* indiction. Hence St. Andrew's day "in the *seventh* of Leo and the *fourth* of Constantine," or in 723, would have fallen in the *seventh* indiction; and St. Andrew's day in the *sixth* indiction would have fallen "in the *sixth* of Leo and the *third* of Constantine," answering to 722. The same blunder is extended to six letters, supposed to have been written by the Pope on the same occasion, which Othlon has dated "on the 30th of November, in the *seventh* of Leo, the *fourth* of Constantine, and in the *sixth* indiction;" whilst he has addressed a letter from the Pope, supposed to have been written "in the third year of Leo and the eleventh indiction,"—the error of a copyist, perhaps, for *Indict.* ii.—to Boniface *the priest*, when it is well known that the saint did not assume the name of Boniface until his elevation to the episcopate. All the other early epistles are addressed to him as Winfred, the name in which he invariably wrote before his consecration on St. Andrew's day at Rome. Some three-and-twenty years before that event the brethren of Yarrow had noticed the custom in the Roman Church of dating the year from the Passion, but neither they nor Beda were aware of the existence at that time of any distinct and separate Pontifical Indiction; and if Christmas day A.P. 668, corresponding with the 25th of December A.D. 700, fell in the *fourteenth* indiction, St. Andrew's day A.P. 691, corresponding with the 30th of November A.D. 723, would have fallen in the *seventh*. Yet so late was the era in which the oath was fabricated that the innovations introduced by Gregory VII. had assumed by that time the character of a remote antiquity. Such is the history of the oath of fealty and obedience binding the Metropolitan of Germany in vassalage to the See of Rome.

Widukind, and other early authorities, write of the Archbishop of Mayence as "summus pontifex;" and as the inference that might be drawn from such a style of expression must have clashed with the later pretentions of the See of Rome, a counteracting influence was required, and—the oath appeared. How far have the manipulations of Othlon, and such as Othlon, extended? In one of his remarks there is truth: the race of false Christians and evil priests was not extinct when Othlon wrote.[1]

NOTE.

As the early chronology of the Christian era was entirely based upon the third chapter of the Gospel of St. Luke, the date of the Nativity was fixed by placing it fifteen years before the accession of Tiberius. The reign of Augustus, however, was mulcted of its proper length by all the early Christian writers, some calculating it at fifty-six, others at fifty-seven years, the Nativity falling, according to the former, in the forty-first, according to the latter, in the forty-second year of his reign, and in the twenty-eighth after Actium. Thus the real difference was in the duration assigned to the reign of Augustus, all agreeing in placing the Nativity thirty years before the fifteenth of Tiberius, reckoning the years inclusively, according to the custom of the age. "Fifteen years of Augustus, and fifteen of Tiberius, complete the thirty years to the Passion," wrote Clemens of Alexandria, agreeing with Tertullian, except in the number of years assigned to the reign of Augustus. Both, limiting the Ministration to one year, place the Passion in the Consulate of the Gemini, which was often looked upon as the chronological epoch of the Passion, long after the Ministration ceased to be limited to one year. Eusebius, though agreeing with Hippolytus and others in assigning upwards of three years to the Ministration, seems to have followed the usual calculations of his predecessors in fixing the epoch of the Nativity. The death of Commodus, for instance, in A.D. 192, is supposed by Clemens to have occurred 194 years after the Nativity; and as Eusebius assumes a lapse of 305 years between the same epoch and the Persecution of Diocletian in A.D. 303, both would have agreed in dating the Nativity two years before the common era. Hence, after it became customary to date from the era of the Incarnation, a difference of two years arose between the followers of Dionysius and the chroniclers who adapted the system of Eusebius, Jerome, and Prosper of Aquitaine, to the common era, dating by the *Verus Annus*, as it is occasionally called by the authorities of the eleventh and twelfth centuries. The Paschal

[1] Othlon, *Vit. Bonif.* lib. i. c. 16 to 21. Certain commentators have tried to mend matters by altering the *seventh* of Leo to the *sixth* in the date of the oath, without observing that the error runs through *all the letters* supposed to have been written on the same day. In the month of November the *sixth* of Leo would have answered to the *third* of Constantine, requiring additional "emendations." The framer of one of the numerous forgeries palmed upon the reign of Edgar, has dated the document in question (*Cod. Dip.* DXIX.) on *Wednesday* the 28th of December 964, whereas the 28th of December 963, which in Edgar's reign would have been reckoned as the fourth day of 964, fell on a *Monday*. The charter, which ascribes a conquest of Dublin and the greater part of Ireland to Edgar, probably saw the light in support of the grant of that island to Henry II., made by Hadrian IV. in virtue of the Papal claim to all the islands, conferred by the Donation of Constantine. The adaptation of the era dating from the Incarnation to one of the authorized Roman years had, by this time, assumed a respectable antiquity, and the original commencement of the year on Christmas-day was overlooked or forgotten. In two other charters (*Dccexxiv. Dccexxv.*), dated "on the 28th of December 1066, indic. tertia," the Westminster forger has made Innocents'-day in 1065 the fourth day of 1066, quite correctly, but he has retained the indiction for 1065, misled, like Othlon, by the orthodox Pontifical Indiction, which would not have changed before the commencement of one of the authorized Roman years.

Chronicle, for instance, is in accordance with the system of Eusebius and his followers, placing the Passion, for example, in the fourth indiction, or in the year equivalent to A.D. 31, whilst the followers of Cassiodorus would have antedated it to A.D. 29, or four years before the common era.

In course of time these differences must have become a fruitful source of confusion; and Beda, in his notices of past events, affords frequent instances in point; dating the era of Diocletian, for example, in his Chronology, from (A.D. 552—248=) A.D. 284, and in his History from A.D. 286, whilst he evidently hesitates between placing the arrival of the Saxons in A.D. 447 and A.D. 449. Again, he dates the capture of Rome in his History in A.D. 409, A.U.C. 1164, when, according to his Chronology, A.D. 409 would have corresponded with A.U.C. 1160; but his well-known error about Gregory the Great may probably be attributed to his ignorance of the Indiction of Constantinople. For the date of the Pope's consecration he was probably indebted to some Roman document, in which it would have been placed on the 3d of September in the ninth indiction, and as he would have calculated the commencement of the indiction from the *twenty-fourth* of the month, he has wrongly placed the consecration in A.D. 591, and the Pope's death in consequence in A.D. 605, singularly enough adding "in the *second* year of Phocas," having in the previous chapter placed the battle of Degsastan A.D. 603, quite correctly, "in the *first* year of Phocas." The influence of the *Verus Annus* is traceable in the Saxon chronicles at least as early as the death of Gebmund, Bishop of Rochester, which is antedated to 693, though he assisted at the Moot of Berghamstede in the autumn of 695. The use of the ecclesiastical, or common year, may have occasionally given rise to a mistake. Calendars of the moveable feasts for many years were apparently numerous, for Nechtan seems to have informed Ceolfrid that he had plenty of them; and as the ecclesiastical year would have been used in these calendars, commencing with *Pascha*, an entry made in any of them towards the close of the year, between Christmas and Easter, would be transferred to a chronicle computed upon the year of the Incarnation a year—sometimes three—behind the true date.

THE LAND.

I.—THE ACRE.

64	feet . .	= 1 acre's breadth.
640	,, . .	= 1 acre's length, or furlong.
7,680	,, . .	= 12 furlongs = 1 leuga.
40,960	square feet .	= 1 Anglian acre.
61,440	,, .	= 1 langenekre.
43,560	,, .	= 1 statute acre.
1,440 Anglian 960 Langen	} acres	= 1 square leuga.

IN a primitive state of society measures are simple enough: the thumb, the palm, the ell, or cubit, and the foot, shod or bare, lie at the base of every system, the oldest measures being generally the smallest. "Three thumbs make an inch, three inches make a palm, three palms make a foot, four feet make a *Berjau*," or short-yoke. So measured the Cymri in the days of old, and the equivalent of their short-yoke of 36 inches, known to the Bretons as *givalen*—a word traceable in the French *gaule* and the Scottish *fall*—has passed into our system as the yard of three feet, to the exclusion of the two-foot ell, or earlier *gyrd*, peculiar to the Teutons. "Let the ditch be 5 feet wide by 7 in length, one foot shod, the other bare." Such are the directions in an old Brunswick document, and there was accordingly a slight difference between the *fuss* and the *schuh*. The ell, or cubit, was measured from the point of the elbow to the wrist; the thumb-ell reached the end of the thumb; whilst the longest measure stretched to the point of the middle finger, three distinct measures being thus known under the name of ell. The *gyrd*, or measuring-rod, of the priest, was the standard of his parish by old English law; and in Iceland, according to the Gragas, the measure was marked off on the church wall, after its length had been calculated by measuring three men—the tallest and shortest in the parish, with a third of average size. Such was the origin of "customary" measurement; but before the reign of Athelstan, it may be gathered from his laws that the barley-corn had supplanted the thumb as a legal standard—the substitution of 36 grains of barley for the length of a man's foot, and some similar innovation amongst the Franks, raising the standard on either side of the Channel considerably beyond the original rough measurement. Hence the Paris foot of 12·789, the Rheinland of 12·35, and

our own foot of 12 inches, are longer than the usual measures, whether *fuss* or *schuh* of Germany and the North.[1]

As in the case of the ell, or cubit, there was often a wide difference in measurements known under the same name. A "day's work" was sometimes the equivalent of an acre, at others of half an acre; varying again according as the work to be done was reaping or mowing, ploughing or hoeing. The *morgen* was generally half an *acker*, especially in Low Germany; the *joch* or *juchart* had reference to a yoke of oxen, or pair of horses; the *caruca*, so often met with in Domesday, meant a team of eight oxen, supposed to be required for the tillage of a "plough-land," which was subdivided accordingly into eight "oxgangs." In measures of distance, the Gauls, according to Isidore, gave the name of *candetum*—hundred—to a measure of 100 feet in civic localities, but reaching 150 in rural districts, a custom that naturally lengthened their measure of distance, based upon the Roman standard, to 1500 paces; and accordingly the old Gallic leuga was half as long again as the Roman mile. "The Romans count in miles," wrote Jerome, "the Gauls in leagues, the Persians in parasangs, and all Germany in *rasts*." The rast, originally of no definite length, merely meant the "resting-place" on the march—Jornandes uses *mansio* in this sense—and at sea was apparently familiar in the north as the *wiko-sio*, which, though not a measured distance, was probably thoroughly understood by the rowers. The rast is vaguely calculated in an old West Gothland code as "the distance within which a man can take an empty cart, fill it as his morning's work, and return with it loaded, between day-break and mid-day at Christmas-time;" but as soon as it was established as a recognised standard of measurement, it was reckoned at double the Gallic leuga. "Eight stadia make a milliarium; mille passus, or a miliarium and a half, make a leuva—some write it leuca—of 1500 paces. Two leuva, or three miliaria, make a resta." Such is the substance of a passage attributed to Beda, and it is important to mark the difference between the miliarium and mille passus—the mile and the league, or "thusend stapa." The leuga, or long mile, would appear to have been the ordinary standard of distance amongst the Anglo-Saxons, reckoned at the time of the Conquest at twelve *quarentines*, or furlongs, measuring forty poles—for the "length of the furrow" was a recognised measurement in the days of Athelstan—or a little under a mile and a half, according to the standard of the present time.[2]

[1] Liutprand's foot was the standard of Lombardy, and is supposed to have been of extraordinary length, measuring a cubit. His porch was 12 feet, "the measure of his extended arms!" Our own yard-measure is occasionally taken to represent the length of Henry II.'s arm. Both kings probably established a standard without any reference to their own stature, and it is possible that the yard may have superseded the old two-foot ell in the reign of Henry II. Hardrada, to whom Harold offered "seven feet of earth," was *five ells* in height according to the Saga, probably about six feet four inches, English measure; and if Goliath is measured by the old standard, his "six cubits and a span" will shrink considerably.

[2] *Isid.* xv. 15; Ducange, *in voc. Leuga, Rasta;* Ihre and Adelung, *in voc. Rasta;* Beda, *de Mens.* ed. Colon., t. i. p. 126. According to an authority quoted by Ducange, of a date somewhat later than the Agrimensor, there were two leagues in use amongst the Franks, the

Two of the land-measures of Germany are deserving of particular notice, the Bremen *morgen*, and the larger *heidscheffel*, or heath-measure, in the Geestland in the duchy of Sleswig. At the base of each, as in nearly all these measures, lies the square ruthe, the ruthe representing a rod, or pole, of 8 ells, or 16 feet, in length. In the Bremen measure 20 square ruthen make a hund, 6 hunden a morgen of 30,720 square feet, which, as in Low Germany the morgen was half an acker, would give to the Bremen acker 61,440 square feet. The acker in question was not peculiar to Bremen, for the morgen, or half-acker of Hanover, containing 120 hunden, was identical in theory with the Bremen morgen, though practically the measuring-pole used in Hanover and Lubeck was an inch longer than the Bremen ruthe. The Geestland heidscheffel was also identical with the Bremen acker, containing 61,440 square feet in 6 *schiplands*, each exactly doubling the Bremen hund. There was also another land-measure that is often alluded to in old Saxon documents as far back as the thirteenth century—the *Hund-landes*, generally a plot of ground 20 ruthen in length by 4 in breadth, or 80 square ruthen, a lesser morgen, in other words, of 20,480 square feet, giving an acker of 160 square ruthen or 40,960 square feet, each measure respectively containing two-thirds of the amount of the larger morgen and acker. Here then are two acres, once in very general use throughout Old Saxony and Sleswig, the larger containing 61,440 square feet, the lesser, 40,960 square feet, or exactly in the same proportion as the solidi of *three* and *two* tremisses, the "ore of twenty-four," and the "ore of sixteen," which were in use amongst the Saxons at the era of their submission to Charlemagne.[1]

"The English leuga measures twelve quarantines, the quarantine forty perches, the perch sixteen feet. The acre is forty perches in length by four in breadth; if twenty perches in length, it is eight in breadth, and always in similar proportion." Such are the measurements in the Chronicle of Battle Abbey, which would give 160 square perches, and 40,960 square feet, to the legal acre of that period, thus identifying it with the lesser measure in use amongst the continental Saxons. An ancient deed belonging to Herbaldowne Hospital records the grant of "unam acram et dimidiam terræ, scil. *Langenekre*," testifying to the existence of a "customary" measure, half as large again as the legal acre, and containing 61,440 square feet, thus being identical in theory with the Bremen acker and Geestland heidscheffel. Angle and Saxon would thus appear to have brought with them into their island home the systems of measurement with which they were respectively familiar in

legal measure of 3000 paces, 5000 virgæ, or 15,000 feet, and a customary league of about four Roman miles, apparently a rast. A commentator on the Sachsenspiegel (Lib. iii. Art. 66) gives 60 *gewende*—furlongs—each measuring 60 ruthen of 8 half-ells to the legal mile; or rather more than five English miles and a half, reckoning the half-ell as the Rhineland foot. This measurement approaches very closely to the German "Long mile," reckoned by Willich at 10,126 yards, or rather under five English miles and three-quarters.

[1] Adelung, *in voc. Morgen, Heidscheffel, Hund.* The Austrian *joch* measures 1·43 acres, or 62,290 square feet, corresponding with the larger acre.

earlier days. Every neatman, or customary tenant, in the manor of Darent, was bound, as usual, to plough a certain quantity of the demesne; and according to the old Rochester Custumal, an acre of ploughing was due from every *jugum*, or yoke-land; three virgates from the thirty acres of Oxmanne-land; two virgates from the tenant of half a yoke-land, and a virgate, or sixteen feet, from the ten acres of Christian's-land. Four feet more, or twenty feet of ploughing, were allotted to the twelve acres of Awine's-land, whilst the tenant of less than the quarter of a yoke-land of ten acres was bound to turn up seven furrows, or a lesser number, according to the size of his holding. Thus it may be gathered that ploughing a virgate consisted in driving *eight* furrows, each measuring an old Teutonic ell, or two feet, in width; in other words, the breadth of a ruthe, virga, or measuring-pole of sixteen feet. The length of the furrow, and the breadth of the acre, appear as standards of measurement in the laws of Athelstan, the acre's breadth evidently measuring 4 poles, 32 furrows, or 64 feet; whilst if the plough was driven a furrow of 60 poles, or a German *wende*, the result was an acre of (960×64, or) 61,440 square feet, the Langenekre that was once the standard of the South-country; if it stopped short at the quarantine of 40 poles, the result was an acre of (640×64, or) 40,960 square feet, the Midland and North-country measure that gradually became the legal acre. The substitution of the three-foot yard for the two-foot ell, by adding six inches to the measuring-pole, increased the acre's breadth by two feet, and lengthened the furlong by twenty; thus raising the acre to (660×66, or) 43,560 square feet, its present amount. In England, the English name has supplanted the Saxon, and the English measure has superseded the Saxon Langenekre; whilst on the Continent the name and the measurement of the Engle must be sought for in chartulary and chronicle: the Saxon alone survives, and the larger morgen has effaced all recollection of the hund-landes.[1]

At a certain period of English history, every innovation was probably looked upon as Norman, and even at the present day the statute measure is often called the Norman acre. It is not a little singular,

[1] *Chron. de Bello*, p. 11; *Somn. Gavelk.* p. 38; *Cust. Roff.* p. 7. The length and breadth of the acre were everywhere acknowledged measurements, for by Bavarian law, for instance, it was strictly forbidden to plough up another man's arable or meadow land, "usque ad tres *in longo jugere* sulcos vel *in transverso* sex."—*Lex Baio.* xiii. 6. The *wende*, in Low Germany, was the equivalent of the furlong, and, in land measurement, of the virgate or rood. It represented the distance of 60 ruthen, at which the plough *turned*, the furlong of the Langenekre measuring 960 feet—or 480 if the ruthe measured only 8 half-ells; whilst in square measure it has the half morgen of (60×256, or) 15,360 sq. ft., answering to a rood or virgate. The Sleswig schipland contained 10,240 sq. ft., or an old Anglian rood; so that in that quarter the *quarantine* was in use, *six* instead of *four* roods being given to the acre. A leuga of twelve long furlongs would give a length of 11,520 feet, or a little under 2¼ statute miles, a distance familiar to those who have walked in Switzerland, as the *Stund*. It was probably a "customary" measurement in many parts of Germany.—Adelung, *in voc. Wende*. The long and short miles of Germany, measuring respectively 10,126 and 6859 yards, according to Willich, correspond very closely with four English *leugæ* (= 10,240 yds.), and four shorter miles (=6826 yds. 2 ft.) They resemble *rasts*, differing from each other in the same proportion as the leuga of *twelve*, and lesser mile of *eight* quarantines.

however, that the accuracy of an opinion, tacitly acquiesced in from generation to generation, should never have been tested by comparing the so-called Norman acre with the actual measure of Normandy, the *vergée*, which is still in use in the Channel Islands, and vaguely estimated at "a little less than a rood and a half," in Guernsey, and "about three roods" in Jersey, one measure being evidently double the size of the other. The old Norman vergée, according to Landais, contained 385 *toises carrées*, which, reckoning the toise at 76·736 English inches, would give 15,746·5 square feet, or about 58 square perches, statute measure, to the vergée, answering very closely to the Guernsey measure of a little less than 60 square perches. This would give a full acre, or four vergées, of 62,986 square feet, corresponding very closely with the Langenekre, as well as with the old Norwegian *dæg-slat*, or "ounce of land," literally "a day's work," averaging, according to Haldorson, 8100 square ells, or 32,400 square feet.

Of the length of the old Norwegian foot I am ignorant; but if it was a little shorter than the English foot, like every other old Northern measure—the Swedish foot of 11·69 English inches would give a dæg-slat of 31,563 square feet—the Norman vergée may be supposed to have been half a Norwegian dæg-slat, which would have answered to the Jersey measure.

II.—The Hide.

The ordinary mansus invariably implied the existence of a messuage, or dwelling-house, for the mansuarius or casatus, the hus-bond or *buend* with a *hus*, to which a variable amount of land was attached. Twelve jugera or *bunnariæ* would appear from Papias and Hincmar to have belonged to the smallest mansus amongst the Franks, or from ten to fifteen statute acres, according to the size of the arpent. By the enactments of the Capitularies, every priest with a church was to receive his manse, or a house with this amount of land, together with two slaves, a male and female, from his free parishioners. The mansus amongst the Franks was usually classed as ingenuilis, litalis, or servilis, according as it had been originally allotted to the full-freeman, the læt or *hospes*, or to the serf, the obligations attached to the latter holdings always remaining in force until commuted in course of time for quit-rents. As a general rule, the free mansus seems to have been twice the size of the servile holding, for in the Capitularies, wherever the former is assessed at *four*, the latter is rated at *two* pence. Hence, when Aventinus describes two kinds of mansi in Bavaria, the *hof*, or curtis, requiring a team of *four* horses, the *hube*, or ordinary mansus, requiring only *two*, he is evidently alluding to the classes rated as above. Occasionally the mansus ingenuilis was of large extent, every holding of this description

in the Ardennes, where such mansi were known as *kuenishoben*, or hovæ regales, amounting to 160 *jurnales*.[1]

The *hufe*, or *huba*, was once a measure of land varying in different parts of Germany from 12, 15, 18, and 24 to 30, and, in some instances, to 42 morgen, though *thirty* was by far the most ordinary number. This seems to have been the normal amount in the middle ages, "una hoba quod est xxx jugera terræ araturæ," and it was supposed to give employment to a yoke of oxen, being known as hufe, huba, or mansus. It was a very ancient principle that assigned a yoke to the lowest order of proprietary freemen, for the third of Solon's classes was the *Zeugitæ*, or yoke-men, after whom came the *Thetés*, proletarii or freemen without property. There were at one time four descriptions of hufen in Low Germany, of which the smallest was known as the haker-hufe of fifteen morgen, an amount not enough in theory to employ a yoke of oxen or pair of horses, but supposed to be cultivated by manual labour; hacked or hoed up. It seems to have been the equivalent of the priest's manse amongst the Franks, which was managed by one male serf, and may be regarded as a type of the original servile holding. Next in size was the land-hufe, or dorf-hufe, of thirty morgen, the yoke-land or usual holding of the Bauer, or ordinary tenant of the vill, the Torp-carl of the North-men. As the Bavarian hof, or four-horse holding, contained from fifty to sixty *jucharts*, the hube, or two-horse holding, must have averaged from twenty-five to thirty, and was evidently the equivalent of the Saxon dorf-hufe. Both may be regarded as the ordinary holding assigned at that time in Saxony and Bavaria to the representative of the colonus, hospes, or husbandman of early days, and answering to the *mansus litalis*. The Tripel-hufe of forty-five, and the Häger-hufe—hedged-off, or separate hufe,—of sixty morgen, completed the four classes of hufen. The Saxon Hägerman was of a superior class to the ordinary bauer. He owed a certain stated service, and paid a fixed rent, or *erbzins*, to the Hägerherr or Hägerjunker—the lord of the fee—thus holding, as it were, in fee-farm. A new hägerman had to obtain the consent of, and be enfeoffed by, the lord of the fee,—*belehnung ansuchen*,—and to buy out or compensate the heir of the former holder; whilst all häger-gute, or property held by this tenure, was under a separate hägergerichte, who held his own court, or häger-recht. The privileged Saxon hägerman, with his hufe of sixty morgen, doubling in size the dorf-hufe of the ordinary bauer, would have

[1] Ducange, *in voc. Mansus*, etc. The French arpent of arable land generally contained a hundred square perches, and was in ordinary cases measured by the greater, medium, or lesser perch of 22, 20, and 18 feet respectively, which would give 48,400, 40,000, or 32,400 square feet (French measure) according to the length of the perch. Giving 76·736 English inches to the *toise* of six French feet, these arpents may be reckoned, for all ordinary purposes, at five, four, and three and a half roods, statute measure. There were many other measuring-poles and land-measures in France, but these arpents may be looked upon as, in some sort, the legal or standard measures of arable land. The *juger* is occasionally reckoned at two arpents; but the French *acre* varied in size, according to Landais, generally averaging about an arpent and a half, or 60 perches. The *Bonniere* was still a measure of land in the time of Cotgrave, who describes it as "about an arpent." Landais calls it a Belgian land measure.

found his counterpart, in a certain sense, amongst his English kindred in the privileged villein, or villein-socman, generally a tenant on the crown lands, and the representative of the less-thegn who held his carucate or half carucate of land before the Conquest "pro uno manerio," doubling in size the ordinary husbandland. He dwelt apart and separate from the Geneats, or ordinary "sharers" in the vill, with a right of hereditary tenancy on fulfilling the obligations of his holding, but without the proprietary right of the alodiarius, of the tenant in pure socage, or of the Kentish gaveller. If he paid his relief, and performed his obligations, he was irremovable from his father's land, whilst he could throw up his tenancy if he chose, and "go where he willed;" but he could not "go where he willed *with his land.*"[1]

Upon our own side of the Channel, the measures of the Kentishmen were of large extent. They reckoned in sulings and juga, or in ploughlands and yoke-lands; for the jugum was evidently the "gioc ærtheslondes," or the amount allotted in early days to the yoke of oxen,—the quarter-ploughland. In a charter dated in 812, negotiating an exchange of land between Cænulf of Mercia and Wulfred Archbishop of Canterbury, the suling is identified with "terra duarum manentium," or *two* Mercian hides, and the jugum or *ioclet*, with half a mansus, or a half-hide by Mercian reckoning. The number of acres in the jugum is easily ascertained; for as, according to the Rochester Custumal, a virgate of ploughing was due from ten acres, three virgates from thirty acres, and a full acre from the jugum, the latter evidently contained forty acres, giving a hundred and sixty to the suling; which exactly agrees with the entry in Domesday, "four hundred acres and a half, which make two solins and a half,"—for $\frac{400 \cdot 5}{2 \cdot 5} = 160$. The acres in question were Langenekres at the time of the Conquest, and for some time afterwards, as can easily be shown. A rent, or *gavel* of a penny seems to have been exacted from the Kentish gavel-land, where the rent was higher the *firma* and *opera* being less. Thus seven acres paid 7 den., eight and a half acres, 8 den. 1 ob., thirty acres were rated at 30 den., and a jugum at 40 den. Occasionally the holdings were rated at a penny more, or a penny less, than the acreage,—the Waldenses, or woodmen of Darent, for instance, holding a jugum for 39 den., whilst two juga are elsewhere assessed at 81 den. At a comparatively later period the men of Thanet held certain lands of the See of Canterbury by fealty, relief, and a rent and service called "peny-gavel," paying annually for each suling 19 sol.

[1] Adelung, *in voc. Hufe, Häger-hufe*, etc. The Bavarian *juchart* contained 400 square ruthen, the ruthe measuring 10 Bavarian feet, or 9·7225 feet, statute measure, and answering apparently to the *Decempeda* by which the ecclesiastical *ancing* was bound to be measured, according to the Capitularies. The juchart would thus contain 38,088 square feet, or 27 square feet less than three and a half roods, statute measure, answering to the smallest French arpent. The hof would thus have averaged from 44 to 52 acres, the hube from 22 to 26. Reckoning the old Saxon morgen at half a langenekre, or a little under three roods, the Saxon hufen would have averaged respectively about 42, 31½, 21, and 10½ acres, statute measure.

8 den., and for every quarter of a suling 4 sol. 11 den., or 59 den. for a jugum, evidently a penny less than the full amount. *Sixty* acres were therefore reckoned to the jugum at this time instead of *forty*, and the lesser acre had superseded the langenekre, which exactly tallies with the annotation in the old Leiger-book, quoted by Sir H. Ellis, "a solin, according to the old computation, contained cc acres," which, reckoning by the old computation, or "English tale," six score to the hundred, would amount to 240. The Kentish suling was, therefore, a measure of 160 langenekres, or 240 lesser acres, doubling the Mercian hide, and answering apparently to the large king's-hufe in the Ardennes, containing 160 jurnales. In later times the jugum seems to have usurped the place of both suling and hide throughout the South-country; for as every *caruća*, or full team in the manor of Darent, was bound to plough an acre of demesne, and the same quantity was exacted from every jugum, the yoke-land evidently employed a full team. Hence Diceto, Paris, and other authorities, are correct in identifying it in their own time with the hide, for it will be found to have been identical in extent with the Wessex hide.[1]

The larger measurement does not appear to have been confined to Kent, for it is traceable in the neighbouring county of Sussex. The Leuga or Banlieue of Battle Abbey, called in Domesday the Rape, was reckoned at six hides; and as, according to the Abbey chronicle, "eight virgates make a hide, four make a wista," and the leuga measured twelve quarentines, 1440 acres, or 960 langenekres, would have been contained in the square league, giving respectively 240 or 160 to the hide, 120 or 80 to the wista, and 30 or 20 to the virgate. Some entries in the Survey go far to corroborate this identification of the large Sussex hide with the suling. "Archbishop Lanfranc holds a manor in Malling. It is in the Rape of Pevensey, and in the days of King Edward was assessed at *twenty* hides; but the Archbishop has only *seventy-five*, for the Earl of Moreton has *five* beyond the bounds of the hundred." In his *twenty* hides, therefore, the Archbishop ought to have had *eighty*, which is inexplicable, unless the existence of a larger and a lesser hide is admitted; and in *twenty* sulings there would have been *eighty* juga, or lesser hides. "Of this manor Walter holds two parts of half a hide, and he has two ploughs in demesne, and a villein and a bordar with a plough." Two parts of half a Wessex hide of 60 lesser acres, or 20 acres, very little more than the gyrdland of a Gebur, would scarcely afford employment for *three* ploughs; so the half hide must have been half a suling, or a wista of 120 acres, which would give the much more probable amount of 80 acres for the three ploughs.[2]

From the Exeter Domesday it may be gathered, as Kemble has shown,

[1] *Cod. Dip.* cxcix.; *Cust. Roff.* pp. 5-10; *Somn. Gavelk.* pp. 26, 188; Ellis, *Introd.* vol. i. p. 153.

[2] *Chron. de Bello*, pp. 11, 17; *Domesday*, tom. i. fol. 16a. In the measurements of a later time the chronicle identifies the wista with the virgate.

that the Wessex hide contained forty acres at the date of the Conquest, and was divided into four virgates, or *gyrdlands*, and sixteen ferlings, or ferlingates,—quarter virgates,—a measurement confined to this part of England, according to Agard, and therefore only introducing confusion when applied to the Midland or North-country ploughland. It was therefore a half-ploughland, and identical with the Kentish jugum, as may be seen from the following entry:—"In the Hundred of Ailestebba are 73 hides and 8 carucates. . . . The Barons have 16 in demesne, the Bishop of Winchester has 10, Nigel the doctor, 4½, and Hervey of Wilton, 1½. From 37 the King receives 11 lb. 2 sol., and from 20 hides of Harold's land, in the hands of villeins, the King has no gavel." So that, as 16+10+4½+1½+37+20, or 89 hides, were equal to 73 hides and 8 carucates, 16 of the former were equal to 8 of the latter, and the Wessex hide was half a carucate, just as the carucate or standard ploughland was half a suling. It occasionally appears in the South-country as the *Hiwisc*, a name that seems to have been generally applied to a half-holding, much as the Bavarian hube seems to have been half the size of the hof. "From every Hiwisc at harvest-time *forty* pence,"—such was the foremost obligation upon the Ceorls attached to the ten hides at Stoke by Hysseburn, as may be gathered from a charter dated in the year 900; and as, according to the "Gebures-gerihte," every tenant of a gyrdland, or quarter-holding of *ten* acres, was bound to pay *ten* gafol-pence on Michaelmas-day, it is evident that penny-gavel,—the tax, or hidage, of a penny from every acre,—the langenekre, and the hiwisc, or lesser hide, were familiar throughout the South-country at the date of Alfred's death.[1]

Northward of the Thames, in Essex, in English Mercia, and as far as the Welland, and the borders of the old East Anglian kingdom, the hide was identical with the Wessex carucate, doubling in extent the Wessex hide, or hiwisc, and thus containing 120 lesser acres. Ely was rated at ten hides, five in demesne, whilst forty villeins held each 15 acres, so that 600 acres made up five hides, giving 120 to the hide. Stonteneia was rated at a hide and a half, a hide in demesne, whilst six villeins held each 10 acres, giving 60 acres to the half hide. Heilla was rated at two hides, a hide, a virgate, and 10 acres in demesne, whilst ten villeins held each 8 acres; so that a virgate and 90 acres made up a hide, giving 30 acres to the virgate. Many another similar example might be quoted from the Ely Inquest, to show that, in the counties of

[1] *Saxons*, vol. i. Ap. B. p. 490; *Exon. Dom.* p. 13; *Cod. Dip.* mlxxvii.; *Rect. Sing. Pers.* (*Ancient Laws*), p. 434. "Of his gavel-land he shall plough, and sow from his own barn, *three* acres, . . . and to stock the land shall be given *two oxen*, a cow, six sheep, and *seven* acres sown of his gyrdland." From this passage, as well as the payment of *ten* gavel-pence at Michaelmas, it is clear that the Gebur's allotment consisted of *ten* large acres, and that he supplied a yoke of oxen, or a quarter of the full team. So in the will of Abba, the Kentish Reeve, to *an half swulung* "let be given with the land iv oxen and ii cows and 1 sheep and one horse" (Thorpe, *Diplom.* p. 470). In 835 the *jugum* seems to have been still reckoned in Kent as merely a *yokeland*, and only half a plough-team was required from the half-suling, but the proportion of sheep was much larger.

Huntingdon, Cambridge, Hertford, and Essex, to which that inquiry principally refers, the normal amount of the hide was 120 acres, or half a Kentish suling, as the charter of Cænulf, already quoted, shows to have been the case throughout Mercia in the opening of the ninth century. There are also traces of the larger land-measure in this quarter, the equivalent of the Kentish suling, and the greater Sussex hide; for Agard, writing in the reign of Elizabeth, and quoting an old "Book of Peterborough," estimates the yardland, or virgate, at sixty acres, as well as at thirty and thirty-two, and the historian of Ely frequently alludes to a hide of "twelve times twenty acres." "Be it known that the great knight's-fee contains four hides, each hide four virgates, each virgate four ferlingates, each ferlingate ten acres." Thus Agard, quoting an entry in the Red Book of the Exchequer, which goes on to say that the carucate was half a hide, thus giving 160 acres to the latter, and identifying it with the greater hide, or suling; for the mention of the ferlingate marks the original measurement as South-country, and the acres as langenekres. "It is to be noted," so proceeds the entry, "that when forty shillings are given as scutage from the great knight's-fee, each virgate pays thirty pence, each half-virgate fifteen, each ferlingate sevenpence halfpenny, and *from an acre a halfpenny.*" The original measurement was by South-country reckoning, but like the Kentish penny-gavel, the actual assessment was made upon the later standard; for there are *fifteen* halfpence in sevenpence-halfpenny, and *fifteen* lesser acres in a ferlingate of *ten* langenekres. Scutage was levied upon the fief and its subdivisions, but as a very variable number of acres were contained in the knight's-fee after it was assessed in lbs., instead of by measurement, all amounts below the lowest subdivision, or the ferlingate, were calculated by the legal acre; or the scutage would have been levied at the rate of only *five* pence for the ferlingate. Three different measurements are traceable, therefore, in Anglo-Saxon England, a greater, lesser, and medium hide, the latter being identical with the ordinary ploughland, or carucate of 120 lesser acres.[1]

Northward of the Welland, throughout the old kingdom of East Anglia, and beyond the boundaries of English Mercia, the hide is never met with in the Survey as a measure of land, its place being supplied by the ploughland divided into eight oxgangs, known respectively in Latin documents as the *carucata* and *bovata*. The bovata is usually calculated at 15 acres, thus answering to the Gebur's gyrdland, or large ferlingate of 10 langenekres, and giving 120 to the carucate as elsewhere; but as in the oldest examples of customary tenure in the Boldon Buke, the oxgang is always reckoned at 30 acres, the larger measurement seems to have been originally used in the north. Whenever the hide is mentioned

[1] *Inq. Eli.* pp. 506-7; *Reg. Hon. Rich.* The great knight's-fee answered to 40 lbs. of land, under which amount of property no one was called upon to perform knight-service after the opening of the fourteenth century. Before that time scutage of forty shillings was levied on the original knight's-fee of 20 lbs,—the fief-de-hauberc or poor-knight's fee,—at the nominal rate of a penny an acre.

in this quarter in the Survey it seems to have represented a much larger amount of land than in southern England. In "Criste's Croft," or the portion of modern Lancashire included between the Mersey and the Ribble, *six* carucates went to the hide at the date of the Conquest, *twenty-four* to the knight's-fee in the thirteenth century when the *Testa de Nevill* was compiled. Twice under Leicestershire occurs the entry "two parts of a hide, that is, *twelve* carucates," giving *eighteen* to the full hide; whilst in the manor of Melton, in the same county, there were seven hides, each containing *fourteen and a half* carucates. All over this part of England *fourteen* men were counted for *twelve*, evidently from an ancient custom of reckoning 12×12 to the hundred. "Let xiv be named, and let him choose xi," is the regulation in Canute's Laws. "Serment nume, ceo est a saveir par xiiii humes leals . . . sei duzime main . . . Par vii humes numez, sei siste main . . . Treis duble serment, ceo est a saveir par xlii leals humes numez, sei trente siste main" —such are the regulations in the Conqueror's Laws; and as the *Tenmantale*, like the knight's-fee, had become a measurement of land when the Honor of Richmond was surveyed in 30 *Hen. II.*, and was estimated for assessment at fourteen carucates, the hide of fourteen and a half, approaching still more closely to the tenth of a hundred reckoned at 12×12, may be supposed to have represented a Tenmantale.[1]

The Domesday Survey stopped upon the frontiers of St. Cuthbert's territory, and Anglo-Saxon Northumberland, where a different measurement is traceable. "Half a carucate of land, that is, fifty-two acres and a half," says the Black Book of Hexham, under the head of Whalton, and the Northumbrian bovate averages from 12 to 13 acres in the same register. Oswi, before encountering Penda, vowed to the service of God "duodecim possessiones prædiorum ad construenda monasteria . . . singulæ vero possessiones decem erant familiarum, id est, simul omnes centum viginti;" and Hilda, two years afterwards, "comparata possessione decem familiarum," founded the minster at Whitby. Each of these "ten hides" Beda describes as a *possessiunculus*, rendered in the Saxon version by *Bocland-æht*, representing the amount of land conferred upon an ordinary minster, often known in the South-country as "the twelve hides," and corresponding with the Banleuga, Rape, or square league of 1440 acres, allotted by the Conqueror to Battle Abbey. Thus the "terra familiæ" of Beda, or *hide*, as it is rendered by the Saxon translator, contained originally 144 acres; but from the custom of counting fourteen

[1] *Dom.* t. 1, pp. 235 b, 236, 237, 269, b.; *Reg. Hon. Rich.* p. 22; *Test. de Nev.* p. 408; *Cnut. Sec.* 66; *Wil. I.* xiv. xv. The villeins of Boldon, and all who are simply entered as holding, paying, and working "as the villeins of Boldon," seem to represent the original customary tenants of the Palatinate, paying the old land-gavel and church-shot, which are not traceable in the other holdings. The great extent of the hide in the Danelage is evident from the passage quoted by Agard (*Reg. Hon. Rich.* Ap. p. 9) from the Book of Dunstable, giving nine shires and 80,800 hides to *West-Sexlaw*, eight shires and 11,800 hides to *Merchlaw*, and eighteen shires with only 3200 hides to *Danelaw*. Reckoning by the carucate, the number of hides in Wessex would be reduced to 40,400, but the size of the hide seems to have varied so much in the Danelage that no approximation to accuracy can be attained.

men to the Teumantale the carucate seems to have dwindled in this quarter, before the compilation of the Black Book of Hexham, into a little over 100 acres. The influence of the Northumbrian measurement is traceable beyond the Tweed in the Scottish ploughland of 104 acres. The oxgang, according to Spelman, quoting Skene, "was always a measure of thirteen acres;" two oxgangs, or a *quatrain* of acres, went to the Scottish *Husbandland*, a name generally given throughout Northumberland to the virgate or ordinary farm-holding of two oxgangs, though the "terræ husbandorum" are occasionally known as "bondagia" or *buendages*. The Bond or Bondman, so often met with in the North-country, must not be confounded with the Bond-slave or serf. He was the *Buend*, or Husbandman—the *Buend* with a *hus*—the equivalent of the Scandinavian Bonder, but not of the Odal-Bonder; and a relic of the olden time still lingers in the North-country under the name of the "bondage-system," entailing, not serfdom, but the necessity of finding extra labour in field work.[1]

Many an old custom may have lingered in East Anglia, a separate though a subordinate kingdom at the time of its occupation by the Danes, who seem to have interfered but little with the institutions they found there; for, according to the Laws of the Confessor, they continued to pay the "major emendatio Saxonum" in this quarter "through affinity to the Saxons." The size of the carucate, however, is not easily traceable from the Survey. "St. Benet of Ramsay held in the time of King Edward 8 carucates, with soke, for a manor . . . A leuga long by half a leuga in breadth," giving an area of 720 lesser acres to *eight* carucates. "The bishop holds Hoxanam for a manor, 9 carucates of arable land. In this manor is a church, the seat of the bishopric in Suffolk in the time of King Edward. The manor is a leuga in length and eight quarentines in breadth," giving an area of 960 lesser acres to *nine* carucates; so that the carucate is evidently used as a measure of the arable land in the manors—a measure of assessment and not of extent. The Survey was set on foot for the purpose of taxation, and not of superficial measurement, numerous entries showing that some properties were lightly taxed while others were rack-rented. Winesford, for instance, is rated at 3½ hides, with arable land for 60 ploughs; Criche at 10½ hides, with arable land for 8 ploughs; so that Winesford contained nearly *eight* times as much taxable land as Criche, which was rated at *three times* the amount of the larger manor. Ambersley, again, "fuit numerata pro 15 hidis, *inter silvam et planam*," or between woodland and open, an expression of frequent occurrence, clearly including *both* descriptions of land in

[1] Beda, *H. E.*, iii. 24. The Scottish acre represents at present the English measured by the *Fall*, "ane metwande, rod, or raip of six ells long." The old Scottish ell measures 37·0598 inches in length, and the acre thus contains 54760 square feet, or a little over five roods statute measurement—the large French arpent. The Scottish ploughland of 104 acres, measuring upwards of 130 statute, and nearly 140 lesser acres, approaches very closely to the old Northumbrian hide. The Irish acre is also the English, measured by a perch seven yards in length, thus containing 70,560 square feet, or a little less than six roods and a half. The Scottish and Irish miles represent the English mile measured by these longer perches.

the hide; and though Kemble, comparing the early hidage with the present acreage of a number of South-country districts, has arrived at certain general conclusions which he applies to the whole of England, such calculations must always be of doubtful accuracy.[1]

In the Boldon Buke and the Black Book of Hexham, compiled respectively in the thirteenth and fifteenth centuries, the oxgang by no means appears invariably as a measure of fifteen acres, but varies in extent between seven and a half and thirty-six—the eighth of a large hide of 288 acres—though thirty and fifteen are the ordinary amounts in the Palatinate, and twelve in Northumberland, the farm-holding, as of old, usually consisting of two bovates. This wide variation may be partly attributed to the description of land to which the measuring-pole was applied, for the heath, the marsh, and the wood were all measured by different *ruthen* in the land from which the Saxon and the Angle came. The long marshland perch is traceable in the measurements of the Croyland charters, and the size of the old customary acre of Staffordshire tells how much of the arable land of that county was won from the forest of "the Nieder Wude." But there was another cause for the variation in question, especially after the Conquest. Rent was represented in early days by *feorm*, or rent in kind, and by stated obligatory services attached to the land, the husbandman providing the customary feorm, and performing the customary services required of him. As land rose in value the custom was not augmented, but the holding diminished in size, shrinking from the large standard of a pastoral age and *cornage* into a quarter of its original amount, or even less; and the agricultural system in force for many ages rendered such an arrangement comparatively easy. It may be gathered from the survey of the Hexham property at the era of the dissolution of the monasteries, when the agricultural system of earlier days was fast fading away in England, that the old husbandland—in the parish of Sandhow for instance—was still represented by a "tenement" with farm buildings, a small close, four acres of meadow in the *inges*, and twenty-four acres of arable in the *town-fields*, with a right of pasture upon moors and commons. To eighteen acres of arable in the fields, three acres of meadow were allotted in the inges; to a smaller amount of arable, two acres or less of meadow, but always in a certain proportion; and thus the husbandman, the representative of the Læt, the Geneat, the Bondman, the Villein, and the Ceorl upon gafol-land, differed essentially in the character of his holding from the yeoman freeholder with his separate homestead or *manerium*, who answered to the tenant-farmer of modern times. The house, farm-buildings, and close, the sole *erbe*, *heredium*, or separate inheritance of the husbandman,

[1] Beda's calculations by the *terra familiæ*, rendered *hide* in the Saxon version, are very vague. He gives 600 to the Isle of Thanet, containing about 26,000 statute acres, and 1200 to the Isle of Wight, containing about 105,000, or four times as much. He also calculates the measurement of the latter at "about" 30 mille passus—Roman miles—by 12, giving "about" 360 square miles of surface to the island. Singularly enough the Roman square mile contains 576 lesser acres, or four hides of 144, so that 300 square miles would contain "terram 1200 familiarum." He may have calculated roughly by this measurement.

formed a portion of the village, the *ham* or home of the agricultural population; and appear in Ini's Laws as the "frum-stol and weorthig," the "toft and croft" of Scotland and Old Saxony. "Si quis ædes a villa transportaverit, et aream illam coluerit, tunc postea *haker* dicitur (cultivable land) non vero *tofft* vel area." Such was the law laid down in Germany, so that the right to the plot of ground in the village was contingent upon its occupation as a residence. The virgate or oxgang of arable lay in "the outland," in the common field or "gedal-land;" the portion of meadow in the common inge or "gedal-mædu," often lying along the river side; and "the fields," and "the pastures," and "the meadows," are still familiar names in the parishes of England, though it is generally the refuse of the land that has alone perpetuated the name of "common." In the field and in the inge, in the forest and on the heath, the right of the husbandman was a share-right, his name was Geneat or "sharer" in the vill, and thus as land rose in value the "share" allotted to each farm holding could be easily diminished.[1]

The hide appears to have been reckoned after the Conquest at five score acres, or an ordinary hundred, for assessing the tallages of the early Plantagenet kings, an amount it still nominally retains, though the yard-land of thirty acres still recalls the earlier practice of counting by the hundred of six score. A different method of assessment grew into use after scutage began to take the place of actual service in the field, and Castle-guard was commuted in a similar manner for *Ward*, payments of this description and the other feudal aids incidental to tenure by military service being calculated by the knight's-fee. In Glanville's time the legal amount of the ordinary knight's-fee, or fief de hauberc, was four carucates, or 20 lbs. of land, but the actual size of the fee varied according to the value of the land. "The bovate can only be let for a shilling," is the purport of more than one entry in the Testa de Nevill under Yorkshire, and accordingly in such localities the carucate is only reckoned at eight shillings. "In the manor of Osprenge are 374 acres of arable, each of which can be let for two pence, or for £15, 11s. 8d. The herbage of the manor is worth a marc, and if the king will put in two cows, it will be worth 24 shillings. There is pasture for 200 sheep, which can be let for two and a half marcs; but if the king will put in the sheep it would be worth 100 shillings. The king can put in 50 pigs, which would

[1] The customary amount of meadow and pasture allotted to each farm-holding according to its extent was thoroughly familiar to the compilers of the Survey. In Enfield, for instance, there was "arable land for 24 ploughs, and meadow for 24 ploughs, et 25 sol. plus;" the meaning of the latter clause being explained by the entry under Eva, "pratum viii Car. et de feno 4 sol." All the meadow land beyond the amount required for the plough-team was valued as hay land. The entry "pastura ad pecuniam villæ," means enough pasturage for the other live-stock of the vill; "pastura ad pecuniam et xx den. plus," implies that there was more than enough. Some of the entries are very minute, enumerating amongst the stock in one instance "217 sheep, 17 pigs, and one *lame mare*." A passage in Fleta occasionally gives rise to confusion. In laying down the duties of the seneschallus, or farm-bailiff, he says that the "carucata" should consist of *three* fields of 60 acres or of *two* fields of 80 acres. The carucate in this case is not a measure of extent; not "a ploughland," but "the land under plough."

35441

return five marcs, but he can get nothing unless he puts in the pigs." Such is the description of a Kentish manor in which the acre was worth about three times as much as in the north, when the riches lay as yet unknown beneath the surface. Hence, in the fertile lands of Herefordshire, three, two and a half, and sometimes only two hides were held for a fee, when in a different part of the very same county six hides and a half were only counted as a quarter of a fee. The normal amount of the knight's-fee in Lancashire was twenty-four carucates, whilst it varied in Yorkshire from eight to twenty, and in Lincolnshire, according to the Register of the Honor of Richmond, generally averaged either twelve or eighteen. For the purpose of assessment, however, every fee was reckoned at four hides, paying by the hide, the virgate, and the ferlingate, the actual number of acres only being reckoned when the amount of the property to be taxed fell short of a ferlingate; trifling variations which will occasionally be found in the amount of sums paid, apparently from the same number of fees, being probably traceable to this cause. A few pence more or less would be collected from a number of very small properties assessed at their actual acreage. About the opening of the fourteenth century the older fief de hauberc ceased to be the standard of assessment, and its obligations were transferred to the Magnum Feudum Militis, or great knight's-fee of 40 lbs.[1]

III.

The Land-Gavel.

"Two carucates, or half a knight's fee," are the expressions of Glanville, giving to the fief de hauberc, in his days, four hides, or land of the value of 20 lbs. The legal value of the ordinary hide, or carucate of six score acres, would have been reckoned, therefore, in Glanville's time, at 5 lbs., or at *ten* pence an acre, which was the standard also in the reign of Edgar. "See what a wretched bargain! The abbot gave that woman 9 lbs. and got nothing but a hide and twenty-four acres of arable land, *absque calumnia*, with six and a half tofts (prædia) bare and waste. As the hide was worth five pounds, and the twenty-four acres were worth twenty shillings, the tofts, which no one in his senses would value at more than a pound, cost three!" Thus wrote the historian of Ely, though land, according to the same authority, was occasionally purchased at a higher or lower rate than its legal value. Four hides, for instance, were bought *with the stock* for 30 lbs., ten hides for 40 lbs., "but Wulnoth kept all his stock, live and dead." Five hides, again, cost only 15 lbs., but "all the stock in the land was purchased in addition."

[1] *Glanv.* L. 2, c. 2; *Testa de Nev.* pp. 62, 65, 218, 377, 408.

From many other passages, however, in the same work and elsewhere, it may be gathered that the ordinary carucate, or ploughland, *absque calumnia*, or without any claim upon it, such as a king would grant to his thegns, was valued at 5 lbs., or at *ten* pence an acre; and as Hincmar and Papias give twelve acres to the mansus, and it may be gathered from the regulations for military service which were in force during the reign of Charlemagne, that the mansus was valued at *ten* solidi, the legal value of the acre amongst the Franks must have been also reckoned at that time at *ten* pence. The valuation of the acre at *ten* Caroline pence may be supposed, therefore, to represent the ordinary standard of assessment under the Austrasian House.[1]

In enumerating the results of kingly government, Samuel warns the people of Israel that their king "will take the *tenth* of your seeds, and of your vineyards, and of your sheep;" whilst a similar mulct was levied by the Persians and Carthaginians, and a *tenth* was associated in Greece, after Oriental precedent, with the tyranny, and often with the hegemony. The tenth sheaf was also exacted by the Romans, with a fifth of the produce in wine and oil, from the occupiers of the State domains; and a tenth of the agricultural produce of Sicily and Sardinia, together with certain taxes upon imports and exports, was accepted in lieu of military service. From time immemorial, therefore, a certain portion of produce, generally a tenth, seems to have been exacted from the occupants of the land as a tax or prerogative of the state or king, payments in kind being in course of time commuted for payments in money. Hence the "tributum vel censum" of the Vulgate is rendered by the Lindisfarne Glossarist "gæfel vel *penning*-slæt," appearing in Ulphilas under the form of *skatt*, a name retained in the Ciric-*sceat*, or church-shot, the earliest ecclesiastical prerogative traceable in the old English codes, and in the scat-penny and scat-chalder of the Boldon Buke. The same passage is rendered in the Rushworth Gospels as "gæfel vel *hernisse*," the penning-slæt, penny-gavel, or scat-penny, being thus identified with the *overhyrnes*, or prerogative of the overlord. The system seems to have been in full force amongst the Franks in very early times. "Agraria, pascuaria, vel decimas porcorum, ecclesiæ concedimus, ita ut actor vel *decimator* in rebus ecclesiæ nullus accedat." Thus Clotaire in 560, and as his edict goes on to say, "ecclesiæ vel clericis nullam requirant agentes publici functionem, qui avi, vel genitoris, aut germani nostri, immunitatem meruerunt," the king was apparently confirming the privilege of exemption from secular service conceded to the Church, or to members of the Church, by his predecessors. From the time when Clovis embraced Christianity no *decimator* seems to have been allowed to levy the royal *tenth* upon her lands, or to exact secular service from her members, where a royal privilege of exemption could be shown. A similar liability to the exactions of the royal decimator—the comes, gerefa, or graf, and his deputies—is traceable amongst the Spanish Visigoths, in the necessity of

[1] *Hist. Fl.* Lib. i. c. xiv. vii. xxxvi. xlvi.; Pertz, *Leg.* i. p. 149; Canc., *Lib. de Ben.* 37.

paying "los tribudos que deven ser fechos de la eredat," incumbent upon every recipient of a royal grant—"donationis regalis munificientiæ;" whilst it is evident that, when Olaf the Saint despatched Gellir the Icelander to his native land, and bade him tell his countrymen to pay, "as in Norway, *thegn-gilldi* from the land, and *nef-gilldi* (*nose*, or poll-tax), a penny of which ten went to the ell-wadmal," pening-slæt, or penny-gavel, was a familiar institution amongst the Scandinavian *thegns*.[1]

The Kentish penny-gavel, traceable long after the Conquest, the ten gafol-pence payable from the Gebur's *gyrdland* of ten acres, and the forty pence given from every *hiwisc* of forty acres occupied by the Ceorls of Stoke by Hysseburne, tell of the exaction of the tenth penny from the land throughout southern England; and the impost is equally traceable in the North country at the date of the Domesday Survey. "And, in addition, he has a penny from each, that is the land-gavel—de unaquaque unum denarium, id est, landgable;" such, for instance, is an entry under Lincoln, and in every case the land-gavel appears to have been the prerogative of the immediate overlord. Beyond the limits included in the Survey, it continued to be attached to certain holdings in the northern Palatinate in the twelfth century, and under the name of *scat-penyng* was paid by the villeins of Boldon, and all who were similarly assessed, at the rate of 15 pence from the oxgang, or a penny from every acre in the ordinary carucate of 120 acres. "Unusquisquê tenet ij bovatas de xxx acris, et reddit 2 sol. 6 den. de scatpenynges, et dimidiam scatcheldram de avena, et 16 den. de averpenys," etc. Such is the substance of the passage in the Boldon Buke, in which land-gavel is traceable in the scat-penyng, and church-shot in the half scat-chalder of oats; and as a number of the bishop's vills are dismissed with the simple notice, "unusquisque tenet, reddit, et operatur sicut illi de Boldono," both obligations were evidently still incumbent upon the tenure by "the old villeinage." It may be assumed, therefore, that the valuation of the acre at *ten* pence, and the land-gavel of the *tenth* penny levied as the *overhyrnes*, or prerogative of the overlord, were as familiar to the Angles from a very early period as to the Franks, though the scat-pening was not necessarily of the Caroline standard originally. In the Palatinate, for example, where *thirty* pence were paid for *sixty* acres, the land must have been originally assessed in oboli, or *Pfennige*, when the equivalent coin of the period in the South country was the denier. A tax of 160 deniers, levied at the rate of a scat-penny from every acre in the suling, or large South-country ploughland, would be exactly equal to 240 oboli, or 120 Caroline pence; and it is allowable to assume, that the valuation of the land, and the amount of the gavel exacted from it, were based upon a similar principle throughout England from a very early period.[2]

[1] Pertz, *Leg.* vol. i. p. 3; *Leg. Vis.* (*Canc.*), Lib. v. tit. 2, l. 1; *St. Olaf's Saga*, c. 146. The *tenths* of the agricultural produce from the *Miri* or Crown lands held by *tapoo*—a title-deed conferring a perpetual usufruct (fee-farm) on condition of cultivation once in three years on pain of forfeiture—still form the main source of the revenue of the Turkish empire.

[2] *Domesday*, vol. i. p. 336a.; *Somn. Gavelkind*, pp. 26, 188; *Cod. Dip.* mlxxvii.;

The earliest obligation entailed upon the land in favour of the Church, after the introduction of Christianity into England, was *Church-shot*, which is thus described in Domesday :—" The church at Pershore has a right to church-shot from all the three hundred hides, that is, from every hide where a freeman has his dwelling a seam of produce—ubi francus homo manet unam sumam annonæ—at St. Martin's day, and if he has more hides they are free. . . . . The Abbot of Evesham has similar rights over his own lands, and all the others the same over their lands." In Buckinghamshire, again, " in the Eight-hundreds lying around Aylesbury, every socman with a hide of land, or more, pays a seam of produce to the church of Aylesbury." Thus the custom was identical in different parts of England, the socman of the Danelage, and his equivalent elsewhere, the francus homo, freeing his land from the obligation by paying for *one* hide: or, in other words, he was " free for a hide." It may be gathered from some of the charters that, towards the latter part of the eighth century, land was held by the tenure of an annual " night's-feorm," or the payment of 30 scillings, six ores of silver, or 120 Caroline pence. Thus ten *bonde-lands* were made over to an ealderman Cuthbert by Beonna, who was abbot of Peterborough towards the close of Offa's reign, for 50 lbs., or 5 lbs. for each, with the stipulation of " a night's-feorm, or thirty scillings, to me and my successors every year;" whilst his contemporary, Pilheard, has left upon record that, in the opening years of Cœnulf's reign, he " freed his land for two hundred solidi, and for *thirty* every year afterwards." A night's-feorm, reckoned at 120 pence, answers exactly to the land-gavel annually due from a hide, at the rate of a scat-penny from every acre ; and as both charters refer to properties of considerable extent, ten hides and thirty hides, the obligation of an annual night's-feorm, or of an equivalent payment of 10 sol.,

Rect. Sing. Pers. (*Ancient Laws*), p. 434. The land-gavel must not be confounded with the regium geldum. The former represented the fixed tenth in produce or money annually levied as the overhyrnes or prerogative due to the State, or King, from the occupants of allotted land, and not payable from crown, pure allodial, or unallotted lands. It was more or less made over to the freeholder, and may be supposed to represent the original principle of taxation—the right of the State to a *fixed* portion of the produce of the land. The regium geldum was an arbitrary impost or tallage levied at the will of the King in Council, to meet (theoretically) the necessities of the State. This is the principle of modern taxation, though in England the right to levy the impost has long been transferred from the king in Council to the representatives of the great body of tax-payers. When the Austrasian Carloman restored the lands alienated from the Church, after presiding at the great Synod of 742, he put in a claim to levy from year to year, *at the option of the Prince*, a solidus from every mansus, not as a fixed and obligatory tax, but as an aid towards the expenses of the army (Pertz, *Leg.* vol. i. p. 18); and the continued exercise of this prerogative amongst the Franks is traceable in the frequent enactments of the Capitularies regulating the amount payable from different mansi to buy off the Northmen. The old name for a tallage in England was *Danegeld*, a word used in this sense by chroniclers in the twelfth century; and it seems highly probable that the right to levy an arbitrary tax was first claimed by, or conceded to, the King in Council, in order to buy off the Danes. It ceased to be *paid* to the Thingmen in the Confessor's reign, but it continued to be *levied*, for the valuation of King Edward represents " the old assessment" in Domesday. It was numbered amongst the royal prerogatives, and continued to be attached to thegn-land after land held *per loricam* was relieved from it by the charter of Henry I., and the attempt to tallage land held in knight's-fee was amongst the prominent causes that led to Magna Charta.

in other words, of receiving the overlord *once* in the year, or of paying the land-gavel for *one* hide, would appear to have remained incumbent upon all property held by this tenure, as the *overhyrnes*, or prerogative of the overlord, in acknowledgment of his superiority. The tenure was still in existence, three hundred years after the reign of Offa, when Urso, at the date of the Survey, held a hide of land, which his ancestor, Godric, King Edward's thegn, bought of St. Mary of Pershore for the lives of three heirs, "et dabat in anno monachis i firmam *pro recognitione*;" whilst Azor, for a hide and a half, "*pro recognitione* dabat in anno monachis unam firmam aut xx sol.;" both *recognising* or acknowledging the superiority of the Abbey of Pershore by the annual night's-feorm, or by a payment that had risen from 10 to 20 sol. The principle of Church-shot would thus appear to have been merely the reflection of the ordinary land-tenure of the period in which it was first imposed, by which the annual tender of a stipulated portion of the obligations incumbent upon the lands, either in actual *feorm* or in money, freed the remainder of the property from all further requisitions. In other words, this was the frank-tenure of Refection, long familiar to the Northmen under the name of the Veitszlo tenure, the obligation of the annual night's-feorm, or of its equivalent, the land-gavel annually due from a hide, remaining attached to the property as a rent-charge, to use the language of a later age, in acknowledgment of the superiority of the overlord.[1]

When upon the death of Charles the Bald, Guy and Beranger agreed to divide between them Italy and "Roman France," the former set out for the kingdom he had chosen, and, on approaching Metz, "urbem quæ potentissima in regno Lotharii claret," sent forward his seneschal, "according to royal usage," to see after the preparation of his dinner. Whilst the Bishop of Metz was arranging, "according to the custom of the Franks," the materials of a profuse repast, the seneschal offered, for the gift of a horse, to manage that his master should be contented with the *third part* of such a banquet—"faciam ut tercia obsonii hujus parte sit Rex Wido contentus." "Never shall a king reign over us," replied the Bishop, "who would be satisfied with a vulgar dinner at *ten dragmæ*—qui *decem dragmis* vile sibi obsonium præparat." Thus, at the time when Alfred was reigning over Southumbrian England, the Bishop of the leading city in "the kingdom of Lothaire," the capital of the old Austrasian dominions, still held his lands by the annual tender of "a night's-feorm," or the equivalent payment of *thirty* drachmæ—Liutprand, a southern writer, connected the name of *solidus* with the gold coin—the tenure of the land, as well as its valuation, and the gavel exacted from it, being based upon identical principles in France and in England.[2] The system is equally traceable in Wales, where, twice in

[1] *Domesday*, vol. i. p. 175b, 144a, 175a; *Cod. Dip.* clxv. cxvi.; *Chron. Sax. E.* 777.

[2] Liut. *Antap.* i. 16. Church-lands were held at this time amongst the Franks by *Orationes*, or in pure alms; by *Dona*, and by *Dona et Militiæ*. The banquet for 30 drachmæ was evidently a *donum*, of which the equivalent in ignoble tenure was the *Ben-feorm* or *firma precum*.

every year, in summer and in winter, the king was accustomed to make a *Cylch Mawr* with his court, or a grand circuit amongst his people, the freeholders being only liable to furnish supplies for the winter progress, or "one night's-feorm;" and the amount due from each free Maenawl is entered as minutely in the Welsh code, as the equivalent *foster* from every "Ten-hides" is specified in Ini's Laws. *Gwesdfa* was the Welsh name for the night's-feorm, and it was commuted for a payment of 20 sol., known as the *Punt Dwng*, from every free Maenawl; the Breyr, or Mabuchelwr, either supplying the king and his attendants, like the Bishop of Metz, with the materials for a night's entertainment for themselves and their horses, thirty-six in number, or paying the sum that freed the lands of Urso and Azor at the date of the Survey. It was in force in Scotland at least as late as the reign of David I., who, in confirming the grant of Ednam and Nesbit, made by Earl Cospatric Waldeve's son to the Priory of Coldingham, reserved "the *thirty* shillings which the monks shall pay every year at Martinmas to the son of Cospatric, and his heirs after him, for *the king's corrody*"—pro *conredio regis*, or in commutation of the king's annual night's-feorm. The recollection of the night's-feorm as an incident of frank-tenure was preserved in Scotland, long after the reign of David, in "the Chamber of Deese," the best room in the farm-house of a certain class of tenant, which was set apart for the reception of the landlord; and the occupant of such a house would, in early times, have ranked above the bondman, or ordinary member of the villeinage, for he was the equivalent of the francus homo, who is invariably entered in the Survey as the occupant of a *manerium*, or separate dwelling.[1]

The circumstances under which the night's-feorm generally appears in the Survey seem to throw some additional light upon the nature of

[1] Wooton, L. i. c. 8; L. ii. c. 12, 23, 29; *Charters of Coldingham*, xxi. (in Raine's *North Durham*), *Ini*, 70. Compare *Cod. Dip.* cclxvii. To judge from a comparison of the *feorm* with the *gwesdfa*, the West-Saxon vill, or ten-hides, was a wealthier benefice than the Welsh maenawl. Mead, or honey to make it with, stands out prominently in both cases, explaining the reason of the heavy tribute in honey demanded from the Saxons by Charlemagne, and paid from many of the counties to the king in the Domesday Survey. Welsh, or thick ale (apparently flavoured with some medicament), and clear ale, figure in large quantities, with fish—from the ten-hides, salmon and eels. The Welsh code (or codes), like other similar compilations, contains the laws and customs of different ages, and occasionally reflects the bygone usages of the neighbouring kingdom. The assessment of the *Galanas* by the standard of the current ore of sixteen, and the division of the Court-followers into three bands, each receiving "leave of absence" in turn, may be quoted as examples; the latter regulation resembling the threefold division of Alfred's *Hirdmen*, described by Asser. The signature of Howel the Rich may be frequently traced in the charters of Alfred's grandsons, with whose court, and its regulations, he was probably familiar. The 24 pence paid to the royal officials by the lesser freeholder, "whose rank did not free him from the charge," when the *gwesdfa* was commuted for the *punt dwng*, seems to be reflected in the charge from which William the Lion freed the Church of Coldingham, and the prior, and monks, and all their men of Coldinghamshire, "de *duabus solidis* quos servientes mei de Berwic ab illis exigere solebant" (*Chart. Cold.* xxxv.) The origin of such charges may be traced in the penny paid to the official by every Welsh villein "to spare his barn and provisions." The actual payer of the tax was *originally* of alien, or conquered, race, and the *exactor* in his rounds probably spared neither barn nor provisions—in other words, lived with his followers at free quarters.

this tenure. In Wessex, more particularly in the western provinces, lay the original crown property of the House of Egbert, and it is always entered in the following or some similar manner:—"Always a royal manor, never divided into hides, nor ever paying geld;" each of the manors thus described being liable, with its appendages, to one night's-feorm, in addition to the customary obligations of "firma et opera," due from the villeinage. To divide a district into hides was equivalent to ascertaining the amount of arable land, before allotting it amongst individual freeholders, by which the extent of their respective obligations would be ascertained; and if any of those royal manors had been thus made over to one or more recipients, he or they would have retained the customary obligations of "firma et opera," tendering, in a certain stage of society, the annual night's-feorm, or its equivalent in money, as the royal *overhyrnes* attached to frank-tenure. Except in the case of the counties of Oxford and Northampton, which were liable, for some cause, to "a feorm of three nights," commuted respectively for 150 lbs. and 30 lbs., none of the tenants-in-chief of the Crown seem to have held their lands by the old tenure in the Confessor's reign; the royal manors and some of the burghs immediately dependent on the king in the western provinces alone being liable to it, whilst they were free from the obligation of paying the *regium geldum*. All the burghs in Dorsetshire, for instance, paid "pro omni servitio regis," a certain fixed sum, "ad opus huscarliorum"—half a marc of silver if the burgh was "defended for five hides," a marc if for ten, the sum rising in proportion with the rating—the additional obligation of a night's-feorm, with its incidents, being entailed upon each burgh. Exeter, again, which was "defended for five hides," and represented the model to which all the other burghs in Devonshire conformed, paid the geld whenever the three leading burghs of Wessex, Mercia, and the Danelage, or Winchester, London, and York, were similarly taxed, contributing on such occasions half a marc of silver "ad opus militum," and sending a man to the royal army whenever it was assembled; but neither Exeter nor any of the Devonshire burghs were liable to the night's-feorm. Half a marc of silver, or 80 pence, represents the penny-gavel levied upon a South-country carucate of 80 langenekres, and thus the burghs seem to have been "free for a hide," performing the obligations incident to *one* hide in every *five* for which they were "defended." A similar proportion is often to be traced in other quarters, as in the manor of Ambersley, "which was numbered for fifteen hides in the time of King Edward, though it was originally free for three, as the charters of the Church testify," or rated at *one* in every *five* hides; whilst the manor of Ripon, measuring six leugas in length by six in breadth, and thus containing 432 carucates, paid for 43, or for *one* in every *ten* hides. Again, in the Cornish manor known as the Church of St. Germanus, once the seat of a bishopric, there were twenty-four carucates, or two leugas, the leuga of the Canons being free from all payments, whilst the

other twelve carucates, or the leuga of the Bishop, was free for two hides, or in the proportion of *one* for each *six* hides.[1]

The difference here observable may be attributed, apparently, to the gradual rise in the valuation of land, and in the amount of feorm, gavel, and other obligations attached to it, which is equally traceable in the numerous "old" and "new" valuations of later times. The manor of Ripon, for instance, which was known as St. Wilfred's Leuga, probably became the property of the abbey during the reign of the Northumbrian Ecgfrid in the seventh century; the burghs were scarcely in existence, as burghs, much before the opening of the tenth. The rise in question may be noticed from a very early date. In a charter, relating to property in Kent, for instance, dated in 863, *two* days' feorm were commuted for thirty scillings—duarum dierum refectio, vel xxx siclos, hoc est semicum libra—thus giving fifteen scillings, or sixty pence, as the equivalent of a days' feorm in that part of England. The custom of demanding two days' feorm was not confined to Kent, for in the agreement between Heathored, Bishop of Worcester, and Offa, dated in 781, the king released the diocese from the obligation of "three years' refection, or *six* entertainments—trium annorum pastiones, id est vi convivia"—the obligation in either case evidently extending to *two* refections in the year, the summer and winter *Gwesdfa* of the Welsh code. As sixty pence correspond with eighty Kentish sceats, or Merovingian deniers, the penny-gavel would appear to have been originally levied in Kent at the rate of a half-sceat from every acre in the suling of 160 langenekres, and the lesser sceat, or half-denier, was probably used as the standard of reckoning in that quarter when the land-gavel was originally imposed. Thus the impost rose from a half-sceat till it reached a Caroline penny, which was eventually levied upon the statute or lesser acre, raising the amount of the land-tax obtained from the large ploughland from *five* to *twenty* shillings, whilst the holding shrunk in size until the hide was represented by the *Ioclet* instead of the *Suling*—the yokeland of 40 instead of the ploughland of 160 langenekres.[2]

[1] *Domesday*, vol. i. p. 75, 100, 120b, 154, 175b, 219, 303b. The amount of hides for which the burghs were "defended," seems to have had no reference to the amount of land they possessed. Exeter, for example, "defended for five hides," possessed twelve carucates, or a leuga.

[2] *Cod. Dip.* cclxxxviii. cxliii. In Ireland the night's-feorm, or night's-*coinmhe*, seems to have been demanded as often as *four* times in the year—more frequently, of course, from the unfree classes—a custom stigmatized by the Synod of Cashel, in 1172, as detestable when applied to Church lands. A document in the Book of Kells records how the quarterly coigny, demanded by the king of the Clan Leogaire from the minster of Ard Breacain, was commuted for three uinges of gold, worth twenty-four of silver, at the proportion of 8 to 1; so that the value of the night's-feorm was reckoned at *six* uinges of silver, or 9 sol. sterling, rather less than the sum *annually* paid in commutation four hundred years before in England. Money would appear to have been a scarce commodity in Ireland, as may be seen from the notice in the *Tribes of Hy Many* (p. 15), "the portion proportional to five uinges of silver, that is, a quarter and a half." As the quarter in Connaught contained 120 acres, and there were 72 pinginns in the uinge, the acre was valued at only $\left(\frac{360}{180}\right)$ *two* pinginns, a sterling penny, or rather less, for the lighter pinginn seems to have been generally used. The valuation of the

Long before the reign of the Confessor the liability to the night's-feorm seems to have passed away from the ordinary grant of bocland, and indications of a change of this description seem to be traceable in the reign of Egbert. From a comparison of some of his charters with the scanty records of his wars with the *Wealas*, that have been preserved in the Saxon Chronicle, it may be gathered that the efforts of the West-Saxon king were first directed to the subjugation of the remaining British element upon his western marches. In this he was successful, for he often dates his charters from the year of his *Ducatus*, and his grandson Alfred alludes in his will to "all my lands amongst the Welsh cyn, except in Tricon*shire*." Tre-corn, or the territory of the Wealas of Cernw, first became a shire, or a division of the West-Saxon kingdom under the rule of a Gerefa and his officials, from the time when Egbert established his *Ducatus* over the whole of western England, south of Thames and Avon, in the tenth year of his reign. Fourteen years afterwards he defeated Beornwulf at Ellendune, and "then he sent from his army his son Æthelwulf, and Ealhstan his bishop, and Wulfheard his ealdorman, into Kent with a large force, and they drove Baldred, the king, northwards over the Thames. And the men of Kent, and of Surrey, and the South-Saxons, and the East-Saxons, submitted to him; . . . and the same year the king of the East-Angles sought the alliance and protection of King Egbert for dread of the Mercians, . . . and slew Beornwulf, king of the Mercians." Upon the death of Ludeca, who was killed with the ealdormen of the five provinces of Mercia, Wiglaf succeeded to that kingdom, and then, "in the year in which the moon was eclipsed on the mass-night of mid-winter—on Christmas-day 828, or the first day of 829—King Egbert conquered the kingdom of the Mercians, and all that was south of the Humber; and he was the eighth king who was Bretwalda." After his supremacy over Southumbrian England was acknowledged by the Northumbrians, he soon reinstated Wiglaf in the Mercian kingdom, the Northern Wealas submitting to his superiority in the same year. Content, apparently, with this universal acquiescence in his superiority, or, in other words, with the leading position amongst "the kings of the Western Christians" ascribed by Charlemagne to Offa, Egbert seems to have devoted the remainder of his reign to the consolidation of his immediate dominions, and the course he appears to have pursued throughout the South-country may be traced in his dealings with the Church.[1]

In the year in which he "moved against the Britons," and defeated Beornwulf at Ellendune, Egbert freed a grant of five hides to the minster at Winchester, "pro amore Dei *fidelique servitio monasterii;*" and

acre is quite in keeping with the sum paid for the freedom of Ard Breacain, and unless it may be supposed that the *two* pinginns represented the *annual* value (rent, or *tenth*) of the acre, and the *six* uinges the *annual* commutation of the night's-feorm, land in England, in the days of Offa and Charlemagne, was rather more than *ten* times as valuable as land in Ireland in the middle of the twelfth century.—(*Kell's Chart.* vi. *I. A. Miscell.* p. 143.)

[1] *Chron. Sax.* 813, 823, 825, 827, 828; *Cod. Dip.* mxxx. to mxxxix.

in 828, or after he had thoroughly established his supremacy over Kent, he confirmed the freedom of all the lands belonging to the diocese of Rochester, "*pro humili obedientia episcopi.*" The sum of money, so frequently paid according to many of the earlier charters for a franchise of this description, is replaced in both cases by Fealty and Service; the *humilis obedientia*, and *fidele servitium*, which will be often subsequently met with in the grants of bocland made to the king's thegns during the ninth century. At the close of his reign, in a great synod held at Kingston in 838, the grant of a barony—or of forty hides—at Scealdan-flete, in the Isle of Wight, was made to the bishop of Winchester, and the lands of Malling were restored to the church of Canterbury in free alms, at the request of Archbishop Ceolnoth. Malling had been given to the previous Metropolitan by Baldred, probably to secure his support, for the gift seems to have been declared invalid on the ground that it was made when Baldred was a fugitive. Both the grants were made in the joint names of Egbert and Æthelwulf, though the younger king alone seems to have been present at the synod, and the same conditions were attached to each. "We and our heirs are to have the patronage and protection of the see, and the faithful friendship of the archbishop (or bishop) and his congregation," and "of all the free monasteries who have chosen me and my father, King Egbert, as protectors and lords—"qui me meumque patrem Egbertum regem . . . in protectionem et dominium eligerunt." Thus the whole hierarchy of the South-country bound themselves to choose "their father and their lord" from the House of Egbert, and in the grants of lands, or of franchises, ratifying the obligation, fealty seems for the time to have been substituted for the money payment.[1]

Fealty and service must have been always more or less included amongst the obligations by which the king's-thegn held his land, but the service grew by degrees more exclusively military, until Henry I. freed the demesne lands of all "qui per loricas terras suas deserviunt," or who held by the Hauberc, from payments and service of every description, except military, in return for increased efficiency in arms and equipment. "Et sicut tam magno gravamine allevati sunt, ita equis et armis se bene instruent," are the words of the royal charter; and in one of the regulations laid down by Charlemagne for attendance in the host, it seems possible to detect a very early step in the same direction. Every holder of *twelve* mansi was bound to attend the host in a *brunia*—a Broigne or Byrnie—on penalty of forfeiture if he omitted to appear in it; and as the legal value of "a good byrnie" was at this time reckoned at *twelve*

[1] *Cod. Dip.* mxxxiii. ccxxiii. ccxl. mxliv. The charter confirming the liberties of the diocese of Rochester in 828 is the solitary existing document in which Egbert assumes the title of *Rex Anglorum*, the cause, or consequence, of his struggle with the Mercian kings. After the final overthrow of Wiglaf, and his subsequent restoration, Egbert, content with the substance, resigned the shadow, and continued to style himself "King of the West-Saxons." Had Egbert possessed the advantage of a biographer, his fame would have been transmitted to the present time as one of the greatest warriors and statesmen of his epoch, and the fruits of his policy towards the Church (which will be more fully discussed further on) are still apparent. The patronage of all the bishop's sees is vested in the sovereign.

solidi, or at the amount of the land-gavel due from *twelve* mansi, the freeholder may be supposed to have been excused from the obligations of the earlier tenure, or, in other words, from paying his *tenths* in kind or in penny-gavel, in return for performing his military service in a byrnie. According to the laws of Wales, where the earlier system was in force, no sanctuary could protect the defaulter who failed to provide the equivalent of the night's-feorm for the royal circuit, or Cylch Mawr ; and as in the earlier tenure, or Veitszlo, the night's-feorm was the leading feature, so in the later, whether introduced or only perpetuated by the Great Kaisar, the Byrnie held a similar position. In each case the tenure is marked by the forfeiture entailed upon default in the special service ; and as the land forfeited through failure in providing the night's-feorm was held by the special tenure of Refection, or an equivalent payment, so the land forfeited by failing to attend the host in a byrnie was held by the special tenure of serving in the host in a byrnie. Thus the germs of the *Fief de hauberc*, or hereditary benefice held by the military service of a horseman in complete armour, may be traced in the regulations about the byrnie ; and the night's-feorm, or equivalent payment, seems to have been gradually commuted for a more perfect equipment in arms. Helm and byrnie played a conspicuous part in the equipment of the English thegn, and in his Heriot ; "from every eight hides a helm and byrnie" were required by the regulations of the year 1008 ; and the gradual discontinuance of tenure by the night's-feorm may probably be attributed to the necessity of appearing in the royal host, equipped in helm and byrnie. Some such change seems to have been in progress throughout the South-country from about the commencement of the ninth century.[1]

IV.

The Shire.

Amongst the Teutonic tribes the distribution into tens, hundreds, and thousands, seems to have been in familar use for military purposes long before it attached in any other way to the land ; and the same remark may be applied to the Celts, for the title of Præfectus cohortis Geonis is given by Adamnan to one of Columba's early converts amongst the Northern Picts in the sixth century. In this sense the *Centuria* is traceable for at least five hundred years before the *Centena*, and the

[1] *Leg. Hen. I.* ii. ; Pertz, *Leg.* vol. i. p. 133, ad. an. 805 ; *Lex. Rip.* tit. xxxvi. 11 ; *Chron. Sax.* 1008 ; *Wergilds*, 9, 10 ; *Cnut. Sec.* 72 ; *Will. Conq.* xx. The money payment reappears in the charters of Alfred and his descendants, but grounded upon a different principle, until it settled into a certain regulated payment in the Heriot, in addition to the actual restoration of the *Here-geute*, or military equipment—helm and byrnie with arms of offence and charger.

Centenarius, or Hundred's Ealdor, ranked as a Centurion, or leader of men in battle, long before he became a civil magistrate with a court, and without any exclusively military functions attached to his office. The Centuria was in existence amongst the Germans in the days of Tacitus, when a hundred Comites attended the leading judge in his circuit, and Mægs, or clans, gloried in contributing more than the necessary number of a "hundred men" to the hosting. The Semnones amongst the Suevi boasted of their hundred *pagi*, each contributing a thousand men, but "the men" were distributed over a shifting portion of the tribe-lands—they were not permanently attached to any settled and measured district—and the Centena, united by the tie of blood, retained its organization amidst all the wanderings of the confederacy, recruiting itself, when decimated by war or any other cause, by adoption or manumission, in order to maintain its proper standing. A *Cyn* that could not muster its hundred men would have soon shrunk into a position of dependence upon some more powerful clan; and a community that failed to contribute its hundreds would have exercised but little influence upon the confederacy.

In the regulations for the army amongst the Visigoths, the military character of the Centena is clearly traceable. The command over the whole was vested in the Præpositus hostis, or *Heretoga*, appointed by the King. A similar character amongst the Old-Saxons was elected, in the age of Beda, by the leading members of the confederacy for the duration of the war. Under the Præpositus were the Thiufadi, Quingentenarii, Centenarii, and Decani, whilst the army was summoned for service by servi Dominici, known as "compulsores exercitus," messengers, or *Bodes*, of the King. The Thiufadus was in command of a thousand men, known as a Thiufada, or small legion collected under a *Tufa*, or horse-tail standard; whilst the names of the other officers sufficiently explain their rank and command. If the Centenarius failed in any of his minor duties, he paid a fine to the Comes civitatis in whose district he was appointed; but if he deserted, he only escaped with life by flying to sanctuary and paying 300 solidi—evidently his *wergild*,—but the Count reported him to the King, and he never more served as Centenarius, remaining from that time forward "sicut unus ex Decanis," thus forfeiting his *thegn-right*, to use the language of the old English laws. If the Thiufadus failed in any of his minor duties he also paid a fine to the Count; but his desertion, or that of the Præpositus, is never alluded to, for they were only answerable "in Palatio Regis," and not in the court of the Count. Amongst the duties of the latter was numbered that of provisioning the army. "Per singulas civitates vel castella, quicunque erogator annonæ fuerit constitutus, comes civitatis vel annonæ dispensator," was bound to attend to the commissariat, and if he failed in his duties plaint was made to the "Comes exercitus," and the Præpositus hostis reported the delinquent to the King. Thus the official duties of Count and Tax-gatherer were distinctly separated from the military

functions of Thiufadus and Centenarius, and the sole divisions of the land that are traceable, except for military purposes, are the *civitas* and the *castellum*, or the County and the Vill.[1]

In the greater military officials of the Visigothic monarchy in Spain may be recognised the types and forerunners of the greater landed nobility of a later age. Thus the Præpositus hostis represents the Duke, the Thiufadus the greater Comes, whether Landgrave or Margrave, the Thiufada itself answering to the *Fahn-lehen* of a certain period of the Empire. The Comites of the Carlovingian era were reckoned as Greater and Lesser, and the Quingentenarius seems to correspond with the Lesser Comes, or ordinary Graf, who could not aspire to carry the Tufa. The Viscount and the Baron, taking their rise in a later age, were as yet unknown. Germany still ignores the former title, and, as the Centurion is rendered in an old Frank version of the Gospels by *Sculdheiz*,[2] the place of the Viscount as Missus Comitis, or Schuldheiss, was long filled in Germany by the equivalent of the Centenarius. The Decanus became the familiar Borh's Ealdor or Tythingman, in England, whose place was filled in Gesith-socns, and in royal demesnes, by the Tungreve, or præpositus villæ; whilst the *Bode*, or summoner of the army, is traceable in the *Frohn-bote*, or summoner of the court. As the Servus Dominicus, who filled the former office, was reckoned on a footing with the free Decanus, so the Frohn-bote, chosen from amongst the Bauers of inferior standing, ranked by his office amongst the Schöppenbar-freemen. Maer and Righill amongst the Welsh, Mair and Toshachdoreth amongst the Scots, respectively the highest and the lowest officials in the courts of the freeholders, represent the Schuldheiss and Frohn-bote of the Germanic community. Each and all vanished with the advance of Feudalism, or survived, like the parish constable and the beadle, representatives of the Borh's Ealdor, and the Bode, or messenger of the Court, as shadows of a once existing reality.

The institution of the Centena, as a civil district, amongst the Franks dates from the latter part of the sixth century, when it was established for the better preservation of the peace, and the Centenarius took his place amongst judicial officers. According to a law of Chlovis, "If a man is found dead in the road between two neighbouring or adjoining vills, and his slayer does not come forward, let the judge, that is the

[1] *Lex. Visig.* lib. ix. tit. ii. The place of the Comes exercitus was filled in the feudal array by the Præpositus Mareschalli, or Provost-marshal. But there was a class originally marching in the van, the dismounted Cossacks of an army, performing the duties of scouts and skirmishers, and known as *Ribaldi*, who did not fall under the jurisdiction of the feudal Mareschall and his deputy. When the earlier duties of the Ribalds were performed by light-armed soldiery, they relinquished the van for the rear, and became camp followers, the Provost appointing one of their number to keep order during the campaign, under the name of Rex Ribaldorum—the reality of which the familiar Roi des Ribands of Parisian vagabondism was the shadow. From the column of Trajan it may be seen that the Germans were once the Ribalds of the Roman army, and the earlier condition of the class has supplied our language with the word *rabble;* the later with that of *ribaldry*.

[2] Canc. vol. iv. p. 220.

Comes vel Graphio—the Gasind or the Graf—go to the spot and sound his horn," a proceeding that stamps the Frank Comes in the reign of Chlovis as a personage of comparatively small importance. There is no allusion to any deputy, for the Comes was bound to go in person and sound his horn; nor could the district have been wide, in which he evidently could be found with the greatest ease immediately upon the discovery of the body. The ordinary shire over which the Frank Comes presided in early times, whether as Gasind or Graf, was comparatively of small extent before the institution of the Centena, which, as a subordinate district of the later county, must have raised it to a much greater size.[1]

From the Franks the Centena passed into Italy and Germany, where it is traceable in the *Huntari*, a subdivision of the Gau, and the Centenarius is easily to be recognised in both quarters as a subordinate official under the Count, ranking in Italy next to the Vicarius, apparently the precursor of the Viscount.[2] The Hærredsthing, or Hundred-court, was also a familiar institution amongst the Scandinavians, but it was introduced at a comparatively late period, for the Norwegians who fled from the power of Harald Harfager into Iceland, towards the close of the ninth century, though well acquainted with the Hærred, had no knowledge of any court attached to the district. "The Herred, or Hundred in Iceland, is stated to have contained three Godords. . . . Each Godordsman chose or elected twelve Doomsmen, and . . . this court was called the Varthing, or Spring Court. . . . Each quarter of the island contained nine ancient Godords, and in the Fierding, or Quarter, court, each Godordsman was attended by one Doomsman of his nomination. . . . In the Fierding court were decided all causes which had not been settled in the court below, or when appeal was made from its authority. The Quarter, or Fierding, courts were subordinate in due course to the Fimtardom, composed of nine Doomsmen from every Fierding, or thirty-six for the whole land." Thus wrote Sir Francis Palgrave, quoting Arnesens's *Islandske Retergang*, and exactly describing the subdivision of a district answering to the Thiufada amongst the Norwegians. Three Godords or Temple-districts were included in the Hundred, each under the superintendence of a Godr or Godordsman, priest and judge, the twelve Doomsmen answering to the Scabini or Schöppen, chosen from the Adalings or Odallers. Three Hundreds were assigned to the next district to which a court was attached, the Fierding or Quarter, and twelve went to the whole province, the Thiufada or Gau, representing a Great

[1] Pertz, *Leg.* vol. i. p. 11; vol. ii. p. 4. Whenever Beda uses the word *comes* his translator always renders it by *Gesith;* whilst the *comitatus* in the Bavarian Laws is explained by some old glossarist as *Kisindscaf* (Pertz, *Leg.* iii.; *Leg. Baio.* ii. 5). The Graf of a certain standing was always a Comes, but at a certain period the Comes was not necessarily a Graf; and the same remark applies to the Earl and Jarl of England and Scandinavia. The titles of Actor, Exactor, Decimator, and Erogator annonæ seem to have been often given to the early Graphio, before his work was done by a deputy. He is traceable in the *Stermelda* of the Kentish Laws, and as *Steor* was the word used for tribute amongst the early Franks, the Exactor was probably known under some similar name in Francia.

[2] Grimm, *D. R. A.* (edit. Gött. 1828), p. 532; *Leg. Lang. Leg. Alam. Leg. Baio. passim.*

thousand of 1440 men, or twelve hundreds each of six score. Thus every Godord was a small Shire, or Gericht, with its court and judge, and schöppen or jury, and with the right of appeal to the superior courts; whilst in an ecclesiastical sense it was a Parish, with its priest and temple, the whole under the supremacy of a single Godr, or Godordsman, better known in later times under the more familiar title of *Jarl*. The greater courts simply represented the union of a number of Godordsmen and Doomsmen, or of Doomsmen alone, nor is there any trace of a larger district than the Godord under the superintendence of a single priest and judge. The *men* united for military purposes in Hærreds, each under a Hærredshofding, but the authority of the latter, who subsequently appears in the larger communities of Scandinavia as a civil officer, was only exercised originally in time of war. Each little community was complete under its Godordsman, or Jarl; each represented an unit, a small division, or shire, in the greater confederacy.[1]

The existence of a similar system at some early period is easily traceable both in France and England. In the year 779 a sort of "rate in aid" was levied upon all the principal landholders amongst the Franks, and the proportion assigned to each class gives a clue to the extent of their respective holdings. A pound of silver was required from all the leading ecclesiastics and greater comites, half a pound from those of the next class, and from vassals enfeoffed with 200 casati, whilst a quarter of a pound was levied upon lesser abbots and vassals enfeoffed with 100 casati, and an ounce of silver from vassals with 50 and 30 casati. As the casatus was valued at 10 sol., the benefice of a vassal of the highest class was reckoned at 100 lbs. of land or 20 hides, which continued to be the legal amount of the ordinary feudal barony during the twelfth and thirteenth centuries. "To six barons whom he shall choose, each 100 lbs. of land"—such, for instance, was a portion of the agreement made between Henry of Anjou, when Duke of Normandy, and Randolph le Meschines, Earl of Chester. The benefice allotted to a vassal of the next class was 50 lbs. of land, or ten hides; land of the value of 25 lbs. and 15 lbs., or five and three hides, represented the holdings of the lowest class, whilst all the greater nobles, ecclesiastical as well as lay, were reckoned at 200 lbs. of land, or forty hides.[2] A similar distribution of

[1] Palgrave's *Commonwealth*, vol. ii. p. cxcv.

[2] Pertz, *Leg.* i. pp. 39, 40; *Fœdera*, vol. i. p. 16. Some idea of the extent of the Frank kingdoms may be gathered from notices in Hincmar's *Annals*. When Charles the Bald bought off the Northmen in 866, he levied a Danegeld "de unoquoque manso ingenuili sex denarios, et de servili tres, et de accola unus, et de duobus hospitiis unus, et decima de omnibus quæ negotiatores videbantur habere, sed et a presbyteris secundum quod unusquisque habuit vectigal exigitur, et heribanni de omnibus Francis accipiuntur." The result amounted to 4000 lbs. of silver by weight. Again, in 877, he levied a tribute from Lotharingia and Burgundy, "Scilicet ut de mansis indominicatis solidus unus, de unoquoque manso ingenuili quatuor denarii de censu dominico et quatuor de facultate mansuarii, de manso vero servili duo denarii de censu dominico et duo de facultate mansuarii, et unusquisque episcopus de presbyteris suæ parochiæ secundum quod unicuique possibile erat, a quo plurimum quinque solidos, a quo minimum quatuor denarios." The amount collected reached 5000 lbs. The tax evidently represented the tenth penny, levied in the case of the farming classes (fee-farmers and

the land will be found to have been in force upon our own side of the Channel in Southumbrian England, where the Forty-hides was the benefice of an Eorl, still retaining its place in our system of land measurement as the Barony; whilst the Ten-hides answered to the ordinary holding of the King's-thegn, and Five to the benefice of the Medial-thegn, the precursor of the feudal knight. So it was incumbent upon every feudatory of the Empire in Germany, during the twelfth century, to attend the host with a *Halsberg* and two Esquires from every *ten* mansi held by homage, whilst from amongst the vassals of the Church every *five* mansi were to furnish a *Byrnie* and one Esquire, a regulation pointing to the wide diffusion of this system of apportioning *Lan-lands*, or benefices, over central and western Europe.[1] Four times as many helms and byrnies were demanded as a heriot from an Eorl as from a King's-thegn, with 200 mancuses of gold, or 20 lbs. of silver from the former, and 50 mancuses, or 5 lbs., from the latter; each sum representing a *gersume*, or fine of a year's tax or land-gavel, the *tenths* respectively of 200 lbs. and 50 lbs. of lands, or of Forty-hides and Ten-hides. *Three* Baronies or Forty-hides went to the Hundred of six score hides, each representing a Godord under a Godordsman, sometimes represented by an Eorl, but more generally replaced in France and England by the King's Graphio, or Gerefa, who exercised the royal prerogatives within the district, which was known as his *shire*, or division. The possession of the entire district as a benefice would alone confer upon the holder the prerogatives once enjoyed by the Godordsman, and subsequently exercised in the King's name by the royal Gerefa, such as the right of holding a court with sac and soc, toll and theam, and other privileges enumerated in the charters of the Anglo-Norman era. Vassals and King's-thegns, whose benefices only amounted to the half or the quarter of a shire, could only aspire to the privileges of a greater, or shire court, by "thriving to Eorl-right."[2]

geneats) upon the rent and the profit, the untaxed third representing the expenses of the holding. The richest priest was taxed like the possessor of five mansi indominicati, the equivalent of the half-carucate, or South-country hide, the ordinary glebe-land in southern England; the poorest was on a footing with the mansuarius servilis, attached to the land. A penny-gavel amounting to 5000 lbs. represents 10,000 hides, and allowing for the farming classes, free and servile, the clergy, and the untaxed royal demesnes, a comparatively small portion remains for the leading ecclesiastics and nobility of Lotharingia and Burgundy. They were not a very numerous class at this period. The amount of the sums levied upon the English as Danegeld in the following century speaks volumes for the wealth of southern England.

[1] Pertz, *Leg.* vol. ii.; *Pars Alt.* p. 3. The document in which the regulation occurs, purporting to be an enactment of Charlemagne, is spurious, but it would have been useless if it had not been in accordance with the ideas of the century in which it appeared. The object of the forgery was evidently to restrict the amount of service in Italy, required from tenants by homage, to "the old amount." *Four*, instead of *five*, hides, or the equivalent, represented the ordinary fief de hauberc in France and England at this time.

[2] *Cnut*, Sec. 72. The passage in the *History of Ely* (lib. 2, cap. 40) "quoniam ille quadraginta Hidarum terræ Dominium minime obtineret, licet nobilis esset, inter proceres tunc numerari non potuit," evidently refers to the privileges only enjoyed by the Eorl *indominicatus* with a great barony. A great extent of country was often placed in the *socn* of a shire, or barony, held by a leading noble, or an ecclesiastical community. Æthelwold, for instance, bought the Isle of Ely from Edgar, "that is to say 20 hides the king had in the island, et dignitatem et socam vii. hundredorum et dimidii," with 20 hides beyond the island, in all a

The Southumbrian shire was divided into four large Vills, each subdivided into two lesser Vills, which may be distinguished as Tuns or Townships, though the Tun and the Vill, strictly speaking, were identical. The normal size of the Vill was ten hides, of the Township five, and the quantity of *feorm* due from the ten hides, or ordinary Vill, is appended to the Laws of Ini. So also, in the grant made in 780 by Offa to the foundation of his grandfather Eanulf, the Minster at Breedon, the King made over thirty-five hides in four Vills, "that is, Teottingtun of five manentes, with the adjoining Vill æt-Wasanburnan of ten cassati; a third Vill æt-Codeswellan, also of ten manentes, and the fourth, that is Northtun, of ten manentes." But perhaps one of the most perfect instances of the symmetrical arrangement, which will occasionally be found in such districts, is afforded in the manor of Leominster. At the time of the Conquest it belonged to a Nun-Minster, which had been made over to the widow of the Confessor; and under the peaceful rule of the Canonesses it seems to have remained very much in the same condition as it was when first handed over to the religious community. The sixteen *membra* of the manor were rated at eighty hides, each membrum therefore representing a township of five hides. There were eight *prepositi* and eight *bedelli*, or a Tungreve and his Bode, the summoner of his petty court, in every large vill. There were eight Radchenists, or Radmen, to do the military service of the manor, one from every large vill; and the 238 villeins, 157 serfs, and 230 ploughs, were in a proportion almost equally accurate—30 villeins, 20 serfs, and 30 ploughs to every vill. The Conqueror took away twenty hides and added six priests, one to each of the six remaining larger vills, which had evidently been, before his time, dependent upon the clergy of the Minster, and were now provided for as separate chapelries or vicarages. Every county was at this time divided into Hundreds and Gesith-socns; and every vill that was not included in a Gesith-socn, or manor in which a Tungreve was appointed by the overlord, represented a Tything, or Tenmantale, of the Hundred, in which a Decanus, annually chosen in the Hundred-court, presided in the petty court in the place of the Tungreve. As none could aspire to be a freeholder without the possession of at least half a carucate of land *pro manerio*—or a holding with a separate homestead, apart from the *ham* of the vill—so none could pretend to the privileges of full *thegnright* without the possession of at least a township, the benefice of the Medial-thegn, or semi-nobilis, who stood in the same relationship to the King's-thegn as the Vassus enfeoffed with 20 hides stood to the Eorl with his large barony or shire. The oath of a thegn, by Mercian law, was equivalent to the oaths of six ceorls, or the half of a Tenmantale of *twelve* men. By Wihtred's laws, the thegn, or the priest, in Kent, cleared himself by his oath, when the ceorl, or the deacon, cleared himself with

barony, giving to the king 60 hides, 100 lbs., and a gold cross of beautiful workmanship, "reliquiisque referta."—*Hist. El.* l. 1, c. 94. The cross, with 100 lbs. and 20 hides, or a second large barony, represent the value given for the "dignitas et soca vii. hundredorum et dimidii."

the joint oaths of four of his fellows, representing together the half of a Tenmantale of *ten* men. So, in King Henry's laws, the Baro-regis, or his Dapifer, cleared the whole of his demesne, or else each vill sent the Tungreve and four of its "best men," or half a Tenmantale, with the priest; and in Kent the Bors-ealdor and four men long continued to appear before the Justices in Eyre from every *Borowe* or Tything held by Gavelkind tenure. The principle was applied to the land, and in the state of society prevalent throughout Southumbrian England, none could stand alone, and unenrolled in a *Borh*, unless he was in the possession of at least a township.[1]

Above the shire of the Gerefa was the shire of the Ealderman, its court the Folc-moot assembled twice in the year, over which the Ealderman presided, with the Bishop and the King's Reeve. The title of Ealderman is as vague as that of Gerefa. Æthelred, the son-in-law of Alfred, for instance, grants and attests charters with the three Ealdermen who presided over the provinces of his great Ealderdom, each alike without distinction affixing his cross to the same title of Dux or Ealderman.[2] The same remark applies to the district over which the Ealderman presided, which often answered to a duchy rather than to a county in the later sense of the word. It was occasionally, and especially in early times, a principality, or small kingdom, reduced to the level of a shire, or division of a greater kingdom; and of this description were the provinces of the Hwiccas, the Magasættas, and Lindisse, three of the five Ealderdoms of Mercia. Again, in the course of the tenth century, the Ealderdom became a great duchy, embracing a number of dependent provinces; but in the ordinary acceptation of the word, as the division of a kingdom, the shire of the Ealderman seems to have been looked upon as half of a Thiufada or Gau, and to have been reckoned as six Hundreds. Its equivalent amongst the Norwegians was the Fylki, over which a Jarl was placed from the days of Harald Harfager, with a right to the *tertius denarius* of his district, and bound to furnish sixty men at his own cost to the royal host. A Fylki, according to Ihre, was the half of a Hær, and was divided by Hacon the Good into *Scipreidor*, twelve in number, according to the same authority, each bound to furnish a ship with sixty or seventy men—the half of a hundred reckoned at 120 or 144. That this was the ordinary number of men carried by a large ship of the period may be seen from the will of Ælfric, Archbishop of Canterbury, in which he bequeaths to the King, as a heriot, his best ship, with sixty helms and sixty byrnies, or the defensive equipment of the crew. Thus the Norwegian Fylki would appear to have answered to half a Thiufada, the following of a Quingentenarius, or six Hærreds, each divided, for naval purposes, into two Scipreidor.[3] Amongst the engagements contracted by

[1] *Ini*, 70; *Cod. Dip.* cxl.; *Domesday*, vol. i. p. 180; *Leg. Hen. I.*, vi. 1, vii. 7, 8; *Leg. Conf.* xxviii. xxix.; Lambard's *Perambulations*, p. 567.

[2] *Cod. Dip.* mlxxiii. mlxxv.

[3] *Harald Harf. Saga*, c. 6.; *Hacon Goda Saga*, c. 21; Ihre, *in voc. Fylki.* The will of Ælfric will be found in Thorpe's *Diplomata.*

Henry I., when he ascended the throne of England, was numbered a promise to be satisfied with a reasonable relief, and not to force his barons to buy back their lands, as in the days of his brother. Accordingly, when Robert de Belesme paid 3000 lbs. for succeeding to his brother's earldom of Shrewsbury, it may be assumed that he "bought it back" at its full value from Rufus; for 300 lbs. were paid during several reigns, by the citizens of London, as the annual rent, or *tenths*, of the county of Middlesex. Thus the rent and value of a county, at the time of the Conquest, were reckoned respectively at the land-gavel and value of 72,000 acres, or 600 hides of land, and the greater shire, like the Norwegian Fylki, originally corresponded with six Hundreds. In the twofold division of the kingdom of Kent, in the two Ealdermen of Sussex slain by Ceadwalla, and in the two Fylkis of East Anglia, the modern counties of Norfolk and Suffolk, may be traced the early custom of dividing the little kingdom, as in Iceland, like the Thiufada, and placing each half, or shire, under the charge of an Ealderman, or petty king; whilst most of the more modern counties, such as Leicestershire, Lancashire, and Nottinghamshire, for instance, which represent sheriffdoms rather than early provinces or principalities, retain to this day the distribution into six Hundreds.[1]

In its earlier, and apparently original, form the lesser shire is best traceable in northern England and Scotland, where it was not obliterated by the introduction of the Hundred-court in the tenth century. Here the Ward, or Quarter, still represents the highest subdivision of the county, the Hundred is ignored, and the population is supposed to be grouped in parishes and townships. Amongst the privileges enjoyed by the Palatini and their immediate families, an Act of Constantine in 319 relieved them from the superintendence of the "Turmarii quos Capitularios vocant," officials who are supposed to have been responsible for the enrolment of Tirones, or recruits for the army. Augustine alludes to a *Turma* near Hippo, and the name seems to have been applied to a minute subdivision of the land, over which the Turmarius presided, recognisable in the French Turbe, the German Dorf, and the Thorp and Torf of England and Scandinavia, which are only other names for the Vill. Its original extent in England was equivalent to twelve carucates, or a square leuga—the largest Roman measure of land, the Saltus, was

[1] *Leg. Hen. I.* i. 1; *Cart. Civ. Lond.*; *Orderic* (edit. Prevost) lib. x. cap. 7. "Robertus Belesmensis . . . Guillelmum Rufum requisivit, eique pro comitatu fratris iii. mille librarum sterilensium exhibuit." Such is the substance of the passage in Orderic. "In the county itself (Worcestershire) there are twelve Hundreds," says an entry in Domesday (vol. i. p. 172). It evidently represented a province or petty kingdom reduced to the footing of a shire. The Isle of Man was divided like a shire into six *Sheddings*, a word evidently derived from *Cead*, a hundred. In the "pound oath within the Three Hundreds" (*Leg. Ethel. I.* i.), a glimpse is obtained of the district between the Hundred and the greater Shire—the Fiording or Quarter. According to the Laws of the Confessor (xxxi.), "what the English call Three Hundreds or Four Hundreds, the Danes call Trithing;" but as no courts were attached to these districts, they have long faded out of recollection, except in the great shire of York with its three *Ridings*.

a square mile—the ordinary Banlieue and Banmeil of France and Germany, though the name was often applied to a district of much wider extent. In England, and probably elsewhere, it also answered to the amount of land, usually bestowed in free-alms, upon a Minster of the ordinary, or medium, size. Such was the leuga of Battle Abbey, stretching over the six large hides, or twelve carucates, immediately around the Abbey; whilst the twenty-four carucates, known as the Manor of St. Germains in Cornwall, represented respectively the leuga of the Canons, held in free-alms, and the leuga of the Bishop. It occasionally appears as the Twelve-hides, for though the district subsequently known under the name of the Twelve-hides of Glastonbury included a wide tract of country, representing one of the Hundreds of the shire, only the twelve carucates around the Abbey appear in the Survey, with the addition "they never paid geld."[1]

The Twelve-hides, or Square Leuga, also seems to have answered to the original appanage of the Twelfhyndman. As the land-gavel appears to have been assessed throughout the South-country in deniers, before the introduction of the Caroline penny, the value of 800 Langenekres, or Ten-hides, paying 800 sceats in penny-gavel, would have amounted to 8000 deniers, or 1200 South-country scillings, representing respectively the appanage and the wergild of the King's-thegn. But wherever, as amongst the Continental Saxons and the Northmen, the wergild was reckoned in hundreds of six score, or by old English tale, twelve hundreds or 1440 scillings would have amounted to 9600 deniers, representing the value of 960 Langenekres, or Twelve-hides, which would thus appear to have been the original appanage of the Twelfhyndman. A similar result is obtainable from a comparison of the wergild of the North-country Twelfhyndman with the valuation of the Lancashire hide. Two ores of sixteen pence were paid from every carucate, or twelve from the hide, giving to the latter a value of six score ores of sixteen, or ten light pounds, and twice that amount to the square leuga of twelve carucates. Each ore of the lb. of 16 sol., however, being in reality an ore of twenty-four light pence, contained six light scillings, giving 1440 to 20 lbs.; and thus, in the north country as well as in the south, the wergild of the Twelfhyndman corresponded with the valuation of his appanage, or Twelve-hides. As a comparison between the Galanas and the appanage of the Welsh Breyr, or Mabuchelwr, gives a similar result, the connection existing between the two in a certain stage of society seems to be confirmed; for the value of the Maenawl of 1024 Welsh acres, calculated

[1] *Cod. Theod.* lib. vi. tit. xxxv. 3; *Chron. de Bello; Domesday*, vol. i. p. 90, 120b; Warner's *Glastonbury*, p. xxxvii. When Charles the Bald issued his regulations in connection with St. Martin's of Tours in 849, he decided that "cc. tantum esse in numero Fratrum, vicenos singulis mansis." *Bouquet*, vol. viii. p. 500. Ten mansi therefore formed the usual appanage assigned in free-alms to a Minster in Gaul, and in the case of St. Martin's, the whole of the property was evidently included in the "Ten-hides," or, in other words, held in free-alms. The Roman Saltus is a square mile, measured by the Greek, or, in other words, the Sicilian foot.

by the early standard of the south country, or at 10,240 deniers, gives forty light pounds, the Galanas, or wergild, reckoned in current pence by tale.

The Twelve-hides appears to have been usually regarded as a small *visnet*, or neighbourhood, and divided into three Townships of four hides, each equivalent to the fief de hauberc of later days, thus giving twelve townships, and eight-and-forty carucates, or four square leugas, to the shire. Three kinds of Minster are alluded to in the old English laws; and as the ordinary Minster of medium size may be classed upon a footing with the King's-thegn, with a grant in free-alms of Twelve-hides, so the greater Minster, ranking with the Eorl, was similarly endowed with a shire, and its accompanying privileges, whilst the smallest Minster received a township of four hides. The traces of this system, which once extended over the whole of England, were not entirely obliterated in the South-country at the time of the Conquest, but they will be found more particularly in Kent. St. Martin's Minster at Dover, for instance, possessed in free-alms twenty-four sulings, or four square leugas, and "in the common land of St. Martin there are cccc. acres and a half, which make two solins and a half, and never rendered custom or geld, for *the twenty-four solins* acquit it all." The four square leugas represented the shire or barony, originally allotted to the Minster in free-alms, and a similar donation is evidently alluded to in the old legend in connection with the foundation of St. Mildred's Nun-minster. Domneva is supposed to have "begged of the King so much ground to build an Abbey upon as a tame deere that she nourished would run over at a breath. . . . The hynde was put foorth, and it ran the space of *fourtie and eight ploughlandes* before it ceased." In Somersetshire, again, St. Peter's church at Michelney held four carucates in free-alms at the date of the Survey, and in the Township, the Twelve-hides, and the Shire, or Barony, allotted respectively to the lesser, medium, and greater Minsters in free-alms, may be traced the original extension of the earlier system over the whole of England, before the introduction of the Ten-hides and the Five-hides. The later grants to the church were made upon the later system, and only the earlier foundations could point to their leuga in free-alms.[1]

Beyond the Humber, the Wapentake of Sadberg, in the possession of the Bishop of Durham, was reckoned of old as a comitatus, or shire, the bishop occasionally figuring as Comes de Sadberg; and within its boundaries were held the Sheriff's Tourn and Assizes, whilst it possessed a vice-comes, a coroner, and justices in eyre of the bishop. Eleven constabularies or townships (two with appendages) are stated to have owed suit and service to the Court of Sadberg, twelve townships in all, or the number allotted to a lesser shire; and as Richard I. made over the manor and wapentake of Sadberg, with the knight's-fees within its boundaries,

[1] *Ethel.* ix. 5; *Cnut. Ecc.* 3; *Domesday*, vol. i. p. 1b, 6, 91; *Lambard*, p. 100; *Dug. Mon.* i. p. 447. In the old laws there is nothing between a Minster and a field-church, or chapel, and in following up defaulters in tithes, the mass-priest of the Minster alone interferes.

in exchange for six knight's-fees of the bishop in Lincolnshire, Sadberg would appear to have been exchanged for an amount of land answering to forty-eight carucates; for the knight's-fee must here be reckoned at the standard of the great fee of four large hides.[1] In the earlier grants to St. Cuthbert's, alluded to by Simeon, the shire is distinctly visible. All the lands along the Bowmont, with twelve townships, were allotted to the endowment of Melrose; South Wearmouth was granted by Athelstan, with its eleven appendages, twelve in all, to the church of Durham; Staindrop with its eleven appendages, twelve in all, was similarly conferred by Canute; and when Alfred, the son of Birihtulfinc, sought the protection of the Bishop from the Danes he received a læn of twelve townships. "To these three, Ethred Eorle, Northman Eorle, and Eorl Uhtred," the Bishop and Chapter made over twenty-four townships, "and may he who deprives St. Cuthbert of any of these lands perish in the day of judgment"—a devout aspiration that marks the grant of the two shires to the Earls as a læn in return for their protection. "To our lord the King pray the people of South Tynedale, namely, of the townships under mentioned," twelve in all, which made up the Liberty of Tynedale, the shire, or barony, so long in the possession of the kings of Scotland; and in the barony of Beanley, held by Earl Patrick as "Inborwe et Utborwe inter Angliam et Scotiam," there were also twelve townships, of which the brethren of St. Lazarus held Harrop in free-alms. The extensive parish of Norham is still divided into twelve townships, answering collectively to the old shire; and in Islandshire, the Dean and Chapter of Durham possessed of old the tithes of ten, and the rent and tithes of two townships, twelve in all. When William de Carileph replaced the Secular Canons, or Culdees, of Durham with Benedictines, he conferred, amongst other gifts, upon the new Dean and Chapter two churches, the ecclesia de Eland, once the original seat of the bishopric, with the adjacent township of Fenham, and the ecclesia de Northam cum sua villa, or the township of Shoresworth; and, according to a later writer, "the townshippe of Shoreswoode is glebe to the personage of Norham, and the townshippe of Fenham is glebe to the personage of Holy Island." Thus the grant of the ecclesia de Eland, or *parish* church, carried with it ecclesiastical rights over every township in the shire—or parish,—with the actual possession of the township of Fenham as "glebe to the personage"—the *kirktown;* and similar rights passed with the grant of the church of Norham. Upon the island itself, the original seat of St. Cuthbert's brotherhood, latterly represented by a cell of monks, there was a small free burgh of the bishop, electing its own officers, and with a market regulating all the weights and measures of the shires of Norham and Holy Island; in other words, it was the seat of the official head of the shire, once represented by the Reeve or Gerefa. In Norhamshire, the township of Shoresworth represented the kirktown,

[1] Surtees's *Durham*, vol. i. p. cxxxvii.; vol. iii. p. 265, 266. If the knight's-fee is reckoned at the fief de hauberc of four carucates the result is too small.

Norham itself having always been the head of the shire, and once the residence of the Reeve, whose prerogatives may be traced in the offices centred in his representative in later times, the Captain of Norham Castle, who was Sheriff and Escheater, Coroner and Seneschal, within the dominion and liberty of Norham, or the old shire. As the temporal jurisdiction of the Godordsman over the old Temple district was vested in the Reeve, so the ecclesiastical jurisdiction was centred in the little Minster, with its township, or kirktown, in free-alms as glebe. The possession of the Minster generally passed, in course of time, into the hands of a *Persona*, either a bishop, an ecclesiastical community, or a layman—or laymen,—and though it occasionally remained in the position of a subordinate Cell of some great community, it was usually allowed to go to ruin, and the charge of the church was committed to a vicar, with a carucate or half-carucate of glebe, and a certain portion of the ecclesiastical dues. Thus the Minster died away, and the church and its priest alone remained as the parish church and parish priest of the district, which was often shorn of its original limits by the erection of other churches upon private properties or *boclands*. Field-churches, or chapelries, originally—five seems to have been the full number allowed to a shire—and dependent upon the Minster of the district, whether large or small, the addition of a burial-ground, raised them to the position of small parish churches, which, in course of time, gradually ceased to be dependent upon the representative of the old Minster.[1]

A glimpse is afforded of the two leading officials of the shire, ecclesiastical and secular, in the annals of Hexham. After the original seat of that bishopric became the property of the See of Durham, a *prepositus* was appointed over the shire, and a *presbyter* over the church. The Provost, or Reeve, appears to have been generally a connection of the Bishop, and he was removeable at the accession of every new prelate, though he seems to have been usually allowed to continue in office. The last to whom allusion is made by name was Uhtred, Ulfkill's son, who was the father of Cospatrick, vicecomes or reeve of Teviotdale. The church was made over originally to Eylaf the Sacristan of Durham, who was succeeded as Persona by his son, Eylaf the treasurer, both providing for the church by placing it under the charge of a vicar. The younger Eylaf, who was the father of Ailred the historian, was one of the Secular

[1] *Hist. St. Cuth. Twysden*, p. 67 *et seq.*; Hodgson's *Northumberland*, pt. ii. vol. iii. p. 21; *Testa de Nevill*, p. 385; Raine's *North Durham*, pp. 20, 26, 27, 73, 83. In addition to the barony of Beanley, Earl Patrick held the three Middletons in thanage, paying 30 sol. to the sheriff, and receiving from his sub-tenant, or Socager, the same sum "et uno annuali convivio," the old tenure of the night's-feorm. The name of *parochia* seems to have been somewhat indefinitely applied—my remarks are limited to our own islands—to the district over which a bishop, or a religious community, large or small, exercised spiritual jurisdiction, and levied church-shot and other ecclesiastical dues. In short, it was an ecclesiastical shire of indefinite extent, and the name was as vague as that of shire. It might contain many *shrift-districts*—cures of souls—or be limited to one, until by degrees, out of the identification and union of the parish and the shrift-district, arose the fixed ecclesiastical subdivision to which the name has been latterly confined.

Canons of Durham who refused to conform to the Benedictine rule, retiring to his church at Hexham, where he held "the cure of the parish with the principal part of the appointments, a carucate of land with some manses in the vill of Hexham, and six bovates of land in Alnwick, "scilicet dotem ipsius ecclesiæ," or the glebe of the chapelry of Alnwick. Thus he sank from a persona into a vicar, but, had the state of society allowed it, the Eylafs and their descendants would have grown into hereditary parsons of Hexham, much after the same fashion as the Deans of Whalley. Known originally as "Alba ecclesia subter Legh," or Whitchurch under Legh, the church of St. Mary of Whalley was the parish church, and once the minster, of "Blackburnshire and all Bolland," an immense extent of forest and moor. Vestiges of the lesser shire abound in the once secluded district known as Christ's Croft, or the Six Hundreds between Mersey and Ribble, one of which derived its name from the old shire of Blackburn. King Edward, for instance, held the manor of West Derby with six Berewicks. There were four hides, giving four carucates to each Berewick, and a *foresta*, or preserve, two leugas by one, or twenty-four carucates—forty-eight in all, half covered with wood. Uhtred, again, held six manors, in which were two hides which, with *silvæ*, or woods that were not preserved, covered an extent of four square leugas, or forty-eight carucates, two-thirds of which were under wood. The church of Whalley had no patron, for the surrounding country was barely rescued from the wilderness, and only occupied by petty free-holders, or Less-thegns, holding of the King. It was in the possession of married men, inheriting it from father to son, who were instituted by the Bishop of Lichfield, and known as Decani, or Deans of Whalley. They were evidently Minster-hlafords, appointing themselves, and the last survivors of a community that had disappeared, the possessions and rights of the defunct community being vested in the hereditary representatives of the original Decani, or leading members of the society.[1]

Northward of the Tweed, the shire is even still more distinctly traceable in its earlier and original aspect. When Edgar made over the shire of Coldingham to the monks of Durham he bestowed upon them the township of Coldingham, with ten other townships, and, at the dedication of the church of St. Mary, completed his grant by offering upon the altar the township of Swinton, as Liulf had held it, or twelve townships in all. Alexander II., in the thirteenth year of his reign, released the monks of Coldingham from the aid and utware—auxilium et exercitum—which had originally been due from "the *twelfth* township of the shire of Coldingham, that is, the town in which the church stands," thus incidentally confirming the fact that the shire was, as usual, made up of twelve lesser vills. Swinton was subsequently conferred by David upon Arnulf, "his knight," to hold of the King and St. Cuthbert of Durham,

[1] *Priory of Hexham* (Surtees Soc.), vol. i. p. 54, Ap. vii.; *Domesday*, vol. i. p. 269b; *Dug. Mon.* vol. v. p. 642. In the *Testa de Nevill* the Hundreds of Lancashire appear as *shires*—Derby*shire*, Leyland*shire*, Blackburn*shire*.

with all the rights and customs enjoyed by Liulf and his son, Odoard the *vicecomes*, paying annually to the brotherhood 40 sol., in lieu of all service, the tenure by which *Odoard had held it.* Thus Swinton represented the township allotted to the Reeve of the shire, Coldingham was the kirktown ; a grant of the former conveyed the rights attaching to the Gerefa, a grant of the latter those belonging to the kirktown, whilst a donation of both centred the ecclesiastical and temporal rights over the whole shire in the same person or community. Instances of similar privileges attaching to certain manors abound in the Survey, even in southern England. To the manor of Pireton, for example, belonged the "tertius denarius de tota scira de Dorset;" to the manor of Wallop the tertius denarius of the Six Hundreds, with pasturage and pannage in all the woods of the Six Hundreds, some forgotten shire in the county, or province, of South Hampton. Pireton, with its appendages, though only rated at half a hide, returned a rent of 73 lbs., and had arable land for fifteen ploughs. Its value therefore was far above its extent, and, as sixteen ploughs would have at that time represented sixteen Juga, or four Sulings, it may be supposed to have been once a township of four large hides, the seat of a Gerefa who exercised jurisdiction over a shire of "fourtie and eight."[1]

In the grants of David, and other kings, to the Priory of St. Andrews, the shire is continually alluded to, and the Scottish Gerefa was known as the Thane or Mair, his district often as a Thanage. The church of St. Mary of Haddington was given to the Priory, with all the chapels, lands, rights, and customs belonging to it within the shire of Haddington, free from the king, *the thane*, and all who held of the king, or the freeholders of the shire. *Clerchetun*, with the toft in the township of Haddington adjoining the church, was added to the grant, and similarly released from king, from thane, and from freeholder, together with the gift of all the tithes of the shire, which were thus attached to the kirktown, and not to the church of St. Mary. The chapelries, with certain rights over the lands attached to them, and the ecclesiastical dues, with a carucate or half-carucate of glebe, belonged to the parish church ; but the tithes went with the kirktown, and might be alienated altogether from the church by the Persona who held it. Kinninmond, with the whole shire and a toft in Kinrimont, the church of Forgrund, with the tithes, rights, and customs belonging to it in the shire of Forgrund, and a toft for the priest's house, with the half carucate of land with which the church was endowed—the kirktown was evidently in the possession of a Persona—place upon record the existence of other shires ; whilst the parish church of the Holy Trinity, with the land of Kindargog with which it is endowed, and all the chapelries in the shire of Kilrimont, with the toft in the burgh on which "the houses are built," represent the original church and kirktown of the Culdee community, with the rights attaching to both throughout the shire of Kilrimont, the leading shire,

[1] *Coldingham Charters*, 2, 3, 4, 12, 13, 66; *Domesday*, vol. i. pp. 75, 38b.

or thanage, in the bishopric of St. Andrews. In the Registers of Dunfermline, Scone, Arbroath, and other monasteries, frequent reference is made to the shire over all that part of Scotland which may be described as stretching from the Tweed to Inverness, and it is easily identified with the thanage. In the Register of Aberdeen, for example, it is recorded how David I. made over or confirmed to the See "the whole vill of Old Aberdeen, and the church of the Kirktown, with the shire of Clat, the shire of Tulinestyn, the shire of Rayn, and the shire of Daviot, with their pertinents and churches, and the tithes of the rents of the thanages and escheats within the Sheriffdoms of Aberdeen and Banff;" all these shires appearing in other parts of the same Register as thanages. First amongst the donations of William the Lion to the foundation he raised to the memory of Thomas à Becket was "Aberbrothoc with the whole shire;" and a grant of this description, in which the ecclesiastical and temporal prerogatives over the district were alike vested in an abbot, seems to have been often known in early days as an *Abthanage*; whilst the donation of "the church of Ecclesgirg, with the land of the Abbey, and all its pertinents," and other grants similarly worded, may be supposed to have conveyed the lands, and lesser prerogatives, of a Minster of a lower class. Traces of the original extent of the thanage seem to have lingered longest, as in England, in the north, for the lordship of Strathbolgie was once divided into forty-eight davochs—a large pastoral measure at one time answering to the plough-gate, though in actual extent four times as large, or in the proportion of the suling and the jugum. The Lordship thus represented the Forty-hides, or Barony of the Eorl, the shire or thanage made over to a lay magnate; and in "the Aucht and Forty Dauch" of Huntly, still remembered in the north, and once a favourite toast in that part of Scotland, may be also seen the equivalent of the "fourtie and eight ploughlandes," which completed the course of the Kentish matron's legendary deer.[1]

A glimpse of the ordinary Scottish shire of the twelfth and thirteenth centuries is obtained from certain grants and sales connected with the thanage of Kintore, which was made over in 1375 "saving the pertinencies and our kanes," by Robert II. to John de Dunbar, Earl of Moray. The forest of Kintore, within the thanedom, and the lands of Thaynstown and Foulartoun, with the dues from Kinkell and Dyce, had before this time been granted, respectively, to Sir Robert Keith and William Chalmer. The name of *Thaynstoun* speaks for itself. "The Mairship of the east quarter of Fife, with the land called the *Mairtoun*, which William Mair resigned. . . . The office of Mair of fee of the barony of Crail, with the land of *Martoun*"—these and similar passages point to

[1] *Reg. Prior. St. And.* pp. 122, 138, 180, 181, 213. My authority for the lordships of Strathbolgie and Huntly is Mr. Innes. Amongst the enfranchisements in the Book of Deer, one alludes to "the proportion affecting *four davochs of land* of such burdens as would fall on all chief monasteries . . . and chief churches" (p. xcvii.) These four davochs seem to represent the original Kirktown, before it dwindled into the half-davoch that was its ordinary amount in this quarter in later times.

the vill or township set apart for the Mair, the leading official, or Reeve, placed over the temporalities of the district; whilst in *Foulartoun*, or the Fowler's town, the recollection of the royal deputy in charge of the *Foresta* is probably preserved. In Kinkell, or "the chief church," may be recognised the original Kirktown, upon which the chapelries of Kintore, Kinnellar, Monkeigie, Drumblait, and Dyce were once dependent, "all of which of old, as well as Kinkell itself, were severally provided of a priest, who officiated as chaplain, or vicar, for the parson of Kinkell himself; who being a principal person in the Chapter, had his residence at the Cathedral, in the Chanonry." Thus the ecclesiastical prerogatives over the district had been made over to the Chapter of Aberdeen, and assigned to one of the members as *Persona;* but in earlier times, when Thaynstoun and Foulartoun were the official residencies of the Mair and Fowler, appointed as royal deputies over the thanedom and forest of Kintore, Kinkell was the kirktown in which the little Minster stood, and its church was the mother church, or parish church, of the shire. In 1467 the lands of Thaynstoun were sold "with the pertinents and the annual rent . . . from Kinkell, and with the vill of Foulartoune adjoining the aforesaid land of Thaynstoun . . . and all the kanes of barley and cheese, and all the money due *ratione ferchani* from the lands of Kinkell and Dyss, within the aforesaid thanedom (of Kintore);" and in 1535 there was another sale of "the eighth part of the lands of Thaynstoun and Foulartoun lying adjacent to it, with the yearly rent . . . de terris villarum ecclesiarum (the Kirktowns) of Kinkell and Dyce, . . . and all the kanes . . . and money ratione ferchani belonging to the lands Kinkell and Dyce." Just as the Minster claimed ecclesiastical prerogatives over the Mairtown, so the Mair was in the enjoyment of temporal privileges over the Kirktown, a name which in the sixteenth century, and probably long before, was no longer attached exclusively to the township originally assigned to the Minster, but was evidently given to the carucate, or half-carucate, of land made over as glebe to the vicarage.[1]

Such was the Scottish thanage, such the early English shire; a district reckoned at twelve townships, and eight-and-forty ploughlands, or davochs, and either placed under the superintendence of a royal deputy, or else made over to a leading magnate; whilst in things ecclesiastical, it was under the superintendence of a greater or lesser Minster. It must not be supposed, however, that the institution, whether it is known as a thanage or a shire, was peculiarly confined to this side of the Channel, for it is traceable, even in its minutest points, upon the Continent, and particularly in France, as may be gathered from the following examples, a few amongst many:—In a charter given to Abbeville by a Count of Ponthieu, it is laid down that, if a question about chattels should arise between members of the guild (*jurès*), or between a member and a

[1] *Antiq. Aberdeen* (Spalding Club), vol. i, pp. 250, 251, 571, 575, 576, 577; Robertson's *Index*, p. 121, 127.

stranger (*non-jurè*), appeal should be made "ad vicecomitem meum vel ad *dominum vicecomitatus illius*"—to the reeve or the lord of the shire, or barony—and thus the county of Ponthieu must have been subdivided into vicecomitatus, or shires, either placed under a deputy of the Count, or made over to a baron or lord in dependence upon the Count or King. When Guy and Ivo, joint Counts of Amiens towards the close of the eleventh century, laid down various regulations against the exactions and violence of Viscounts and their officials, they concluded with an injunction that none should venture to deprive the church of St. Mary and St. Firmin at Amiens of "our portion in the shires of Dureville and St. Maurice which we have made over to them—nostras partes vicecomitatus de villa Duri et Sancti Mauricii;" evidently in allusion to a grant of all their prerogatives over the viscounties in question, "saving the rights of the freeholders," through which the church of Amiens became "dominus vicecomitatus." About twenty years before this time, or in 1069, Raoul Count of Amiens, with all the "milites totius Conteiensis honoris," resigned at the instigation of the bishop "ex multis que possidebam . . . potestatem quam vicecomites in terris predictorum fratrum exercebant;" so that in the ecclesiastical possessions of the brethren of St. Firmin within the boundaries of the Honor of the Chateau de Conty, the vicecomes and the miles, or reeve and freeholder—for the freeholder within an Honor was invariably a *miles*, or military tenant—had certain rights which were waived or abrogated by this charter, just as the property of the Priory of St. Andrews, within the shire of Haddington, was similarly relieved from the interference of thane or freeholder by the charter of David. On either side of the Channel, therefore, the leading principles of the system were identical or very similar, and the shire could be made over to the equivalent of an Eorl, or retained under the superintendence of a Reeve or Mair. In either case the rights of the freeholders were inalienable, unless by special compact; whilst the unprivileged inhabitants of the district, representatives of a population originally servile, or of alien race, rendered their services and made their payments to the person, whether an official or an absolute proprietor, who was appointed to receive them by the supreme overlord.[1]

[1] *Monumens de l'Histoire du Tiers Etat*, vol. i. pp. 19, 23, 40. The various rights of Overlord, Deputy, and Proprietor, are well illustrated by certain resignations contained in the Chartulary of Redon. Alan Count of Bretagne, in 1040, waived all claim to *Gualoer* in the lands of the Abbacy of St. Saviour, "illam scilicet partem que . . . principibus solvi consueverat," forbidding his officials to enter the lands of the Abbacy to exact it. Eudo the Vicecomes, in 1092, "condonavit waloria totius sui honoris," or all the part belonging to his office, his sons consenting to the resignation. The *Gualoer* was the Droit d'aubaine, the *Dana arf* of the North, or the right to the property of a deceased alien; and fifty years elapsed before the resignation of the Deputy completed the freedom from the impost begun by the resignation of the Overlord. A certain Ratfred, in 1041, made over his property, "cum tota decima, sepultura, gualoir," as he had received it from Count Alan to the same Abbey. In his case the right was vested in the proprietor (*Cart. Redon*, ccxcix. ccc. cccxxii.) Instances abound in the *Book of Deer* of similar resignations of the rights of king, mormair and toshach, but in the France of the eleventh century, the power of the king was too weak to claim his "share" from the Counts of Bretagne and similar magnates.

The introduction of the Hundred-court, in England, as upon the Continent, must have gradually obliterated, as far as it penetrated, all recollection of the lesser shire. The smaller court amongst the freeholders was swallowed up, as it were, by the greater, surviving only in the court-baron of the Gesith-socn. Much in the same way the old county-court or Folc-moot, in which the Ealderman and the Bishop presided *twice* in the year, vanishes in some indistinct manner between the court of the royal justiciaries and the later county-court of the Vicecomes or Sheriff, which arises in its place, and was held *three* times a year as a Burh-gemote in the leading burgh of the district. After the reign of Athelstan, or about the middle of the tenth century, the King's reeves were no longer enjoined to hold their courts twelve times in the year, nor were they any longer bidden to assist in the hue and cry with their *Mannung*. Their duties and their courts were alike transferred to the Hundred's-ealdor, a different character from the military leader, known under a similar title in an earlier stage of society. He was elected, indeed, by the freeholders instead of being appointed by the sovereign, differing from the earlier Scir-gerefa as the Decanus from the Tungreve, but he was chosen from the same class; for every freeholder belonging to the community was by this time either a thegn in direct dependence upon the sole sovereign in Mercia and the South-country, or holding of him in socage in the Danelage. In the regulations of the Hundred, however, the remembrance of the lesser shire seems to have been still perpetuated in the rule laid down that every Tything was bound to clear itself by the oaths of its Decanus and two true men, and of the Decanus and two true men from the three neighbouring Tythings, the jury of twelve thus jointly representing the united oaths of four Tythings or a lesser shire, the twelve Doomsmen of the Godord. Such is the latest glimpse afforded amongst the community of England of the once Pagan subdivision of the Godord, though it survived for some centuries later amongst a similar class in Scotland as the thanage. Wherever the Hundred-court has failed to penetrate, and the county still represents the original province, Gau or Thiufada, divided as of old into Wards or Quarters, the lesser shire may still be occasionally distinguished in the next very variable subdivision, though only under its ecclesiastical name of Parish; whilst in its later phase of Forty-hides it yet retains a nominal place in the land-measurement of England as the Barony.[1]

[1] *Leg. Conf.* xx.; compare *Scotland under her Early Kings*, vol. ii. ap. F, p. 335. In the following passage from Hincmar's *Annals* (*ad. an.*, 869) there seems an allusion to the Turbe and Centena:—"De centum mansis unum haistaldum, et de mille mansis unum carrum cum duobis bobis. . . . quatenus ipsi haistaldi castellum, quod ibidem ex ligno et lapide fieri præcepit, excolerent et custodirent." A hundred mansi would have been the equivalent of Ten-hides, a thousand of a Hundred-hides. The Haistaldus was the liber mansuarius, or Hagastallr, the Hagerman of Low Saxony, and Miles agrarius of Widukind. The policy of the Frank king foreshadows, as usual, the policy subsequently carried out in England by Alfred, and in Germany by Henry the Fowler.

A.

Bishop, Abbot, Abbess, Count } Fortiores } 1 lb. from 400 casati = 200 lbs. = 40 hides = Eorl's barony.

Abbot, Abbess, Count, Vassus Dominicatus } Mediocres } 6 oz. from 200 casati = 100 lbs. = 20 hides = Lesser barony.

Abbot, Abbess, Vassus Dominicatus } Minores } 5 sol. from 100 casati = 50 lbs. = 10 hides = King's-thegn.

Vassi . 1 oz. from { 50 / 30 } casati = { 25 lbs. / 15 lbs. } = { 5 hides / 3 hides } = { Medial-thegn. / Norman fief de hauberc.

B.

1 square leuga	=	1 turbe or tything.					
4 „	=	4	=	1 shire or barony.			
12 „	=	12	=	3	=	1 hundred.	
36 „	=	36	=	9	=	3	= 1 quarter.
72 „	=	72	=	18	=	6	= 2 = 1 shire or fylki.
144 „	=	144	=	36	=	12	= 4 = 2 = 1 thiufada.

C.

120 scillings	=	1 carucate	=	1 wealh.			
240 „	=	2 „	=	2	=	1 twyhyndman.	
720 „	=	6 „	=	6	=	3	= 1 sixhyndman.
1440 „	=	12 „	=	12	=	6	= 2 = 1 twelfhyndman.

A.

This schedule represents the various classes of nobility, lay and ecclesiastical, amongst the Franks in 779. Only the Vassi Dominicati were, in reality, assessed according to the amount of mansi with which they were enfeoffed, for dues, rights, and privileges, more than actual land, made up the property of the highest class. Lowest upon the list, and after the Vassi Dominicati, King's-thegns or Barons, came the Vassi, Mesne-tenants or Vavassours. Besides these four classes there was the free community, small freeholders in allod or benefice down to the proprietor of half a mansus, the equivalent, apparently, of the highest servile holding. They were all more or less *Haistaldi*, Hagermen with a *manerium*, or homestead of their own; though the true Haga-staller evidently held in benefice, and not in allod, for he was removable, and was gradually enclosed within walls as a *burgher*, exchanging the position of a *miles agrarius* for that of a *miles urbanus*. The priesthood, by right of office, were classed amongst the free community, the lowest ranking upon a level with the freeholder of half a mansus; and the *negotiatores*, the chapmen and dustyfeet of our old laws, were necessarily free to "go where they willed." From the passages elsewhere quoted from Hincmar's Annals, it is evident that the servilis mansuarius ranked

first amongst the unfree tax-paying classes, and he was the equivalent of the Geneat or Husbandman attached to the land, and irremovable from it. Below him was the *accola*, a stranger removable at pleasure; and lowest of all the man who combined with another to make up the necessary contribution for which the *accola* was liable by himself. All underneath this class, which may be supposed to represent the *cotmen*, were absolute slaves, without any property from which a penny could be wrung.

B.

The subdivisions of the province to which the name of *Thiufada* is given, for want of a better. It is not unlikely that the *Gau* was once similarly divided. As the Franks reckoned *ten* men to the Turbe, and gave *ten* mansi to the Minster, so at a comparatively early time the Ten-hides divided into two lesser vills replaced in Southumbrian England the Twelve-hides or square leuga, divided into three townships. The Hundred, by degrees, was reckoned at five score, and the South-country hide shrunk into the half-carucate or Jugum; and accordingly the Hundred in southern England is a much smaller measure than in the Midlands. It must be always borne in mind, however, that the Hundred applied to the free population of the district long before the land itself was measured out for the purposes of assessment.

C.

The appanage and the wergild. In the South-country 1440 scillings represented 9600 deniers, or the value of 960 langenekres, a square leuga. In the North-country, a similar sum represented 20 lbs. of 16 sol., the value of twelve carucates, each worth 20 ores of light-pence. In an early stage of society the test seems tolerably accurate. The old Frank wergild of 600 solidi, for instance, reckoned by the early standard, gives 24,000 deniers, representing the value of 200 casati, not an unlikely appanage for the original Antrustion or Vassus Dominicatus of early times. But as the power of the sovereign increased, and the state of society in which a man was born with a claim upon an appanage in accordance with his own valuation passed away, the value of the wergild remained stationary, whilst the holding fluctuated with the variations of the time. From that time there ceased to be any necessary correspondence between them, and in the Sachsenspiegel the wergild is reckoned at the standard of the Caroline age, the smallest Schöppenbar-freeman being valued on a footing with the Fürst and Freyherr, whilst their appanages were widely different. The commencement of such a change is traceable from a very early time in England, for when the legal value of the hide was worth 5 lbs., the wergild of 1200 scillings, or 25 lbs., would have corresponded with the appanage of the medial-thegn, or five hides instead of ten. A similar process is deserving of remark amongst the Welsh, for the Galanas of the Breyr, reckoned at 40 lbs. of 16 sol.,

doubles the early wergild of the North-country Twelfhyndman. The taeog, when he took land of the king, was bound, by Welsh law, to pay 60 pence for every rhandir of 16 *erw*—80 deniers, or *five* for every acre. The penny-gavel in Kent was once exacted in half-sceatts, as has been already pointed out, giving to the acre in Kent a value of *five* deniers. Assuming then that this payment represented the value of the land "by the old valuation"—that it was a fixed payment handed down from an earlier time—as there were 64 rhandirs in the maenawl, the "old valuation" of the appanage of the Breyr would have amounted to (5 × 64 =) 16 lbs., or 20 lbs. of 16 sol., the same as the old North-country wergild. The *cow* was the standard of valuation in reckoning the Galanas, which rose as she advanced in price; and she was probably reckoned, at one time, on a footing with the ox in the English laws, valued at a mancus, or 80 half-sceatts. In the Læt of the first class amongst the Kentishmen, valued at 80 scillings, or 5 lbs., may be seen the forerunner of the Kentish Gaveller, whose wergild was still reckoned at 5 lbs. in the reign of Edward I. The original Kentish Ceorl, assessed at 200 scillings, or 12 lbs. 10 sol., was a totally different character from the Ceorl upon Gafolland—the Twyhyndman on a footing with the Læt of the first-class—corresponding rather with the Sixhyndman, though belonging to a different stage of society.[1]

V.

Scottish Measurements.

Before the introduction of the system of penny-gavel, in accordance with which the land was measured into carucates, or ploughlands, and a tenth of its estimated value paid to the overlord, the tenure of a pastoral state of society was Cornage. The herd was numbered, or the flock, the tenth animal was set apart as the prerogative of the king, or overlord, and little if any notice was taken of the extent of the arable land, or acreage under the plough, from which no tribute was exacted except in the shape of actual refection. In the agreement made at Windsor, in 1175, between Henry II. and the representative of Roderic O'Connor, the Irish king bound himself to acknowledge the superiority of his English sovereign by annually paying "de singulis x. animalibus decimum corium, placabile mercatoribus,"[2] or a tenth of the revenue he derived

[1] The regulation about the taeog will be found in *Councils, etc., relating to Great Britain and Ireland*, vol. i. p. 245; compare *Wergilds* in *Scotland under her Early Kings*.

[2] *Fœd.* vol. i. p. 31. It must be always remembered, in calculating by the value of the ox, or cow, that the same rule is applicable to an animal as to a metal standard of value; and the introduction of the ploughland, penny-gavel, and other incidents of an agricultural system, acted upon a pastoral state of society precisely as the introduction of a gold standard upon a silver currency—the earlier standard fell in value. It will be found, I believe, that the amount of pasturage from which the tenth or twelfth animal was due, answered very closely to the

from his own demesnes, and from a similar tribute levied upon his own people. Land-gavel was evidently, at that time, unknown in Ireland, and the *cios*, which grew in time into land-cess, was still collected in the shape of cattle, or in the equivalent money-payment known as Cornage. *Nowt-geld*, or Cornage, appears both as an obligation and as a tenure, in the Testa de Nevill, in the Boldon Buke, and in the Black Book of Hexham. It was the rent paid from his land by the *Grasmannus*, or grazier, and the sole tenure known in Cumberland during the thirteenth century. Wherever there was no grass-land beyond the necessary amount required for the pasturage of the plough-oxen, and other stock, and for hay-land, no cornage was demanded; and accordingly, it necessarily died out in every quarter in which the holding of the Geneat was limited to arable land, and to the mere amount of meadow required by a strictly agricultural system; whilst it must have often disappeared in the tenth demanded from the general valuation of the whole land. The vill made over to a thegn, for instance, was assessed upon the hidage, or arable land; but as long as he performed his obligations, and paid his tenths, the thegn might do as he pleased within the limits of a *Bocland-æht*, except with the in-born Geneats, who were attached to the soil, and irremovable. Cattle represented wealth in early days, or rather convertible wealth, when no market existed for the produce of the soil; and that the thegn was wont to turn his land into pasturage may be gathered from the enactments of Ini's Laws, by which the amount of land to be left in cultivation, by the Gesith who quitted his benefice, was strictly laid down. Similar regulations against leaving benefices waste, or in pasturage, will be found in the Capitularies, and "to live like a grazier," or to turn arable land into pasture, continued to be a reproach cast upon some of the great English landowners at so late a period as the sixteenth century.

Land-gavel must have superseded Cornage in Southern England at a very early period, obliterating all recollection of the primitive impost as a royal prerogative, or public tax; but under the name of Nowt-geld, the earlier tribute continued to be paid throughout the northern counties long after the Norman Conquest, at which epoch it was still traceable in some quarters as the equivalent of the public land-tax. The two ores of sixteenpence, for instance, which were paid to the king from the Lancashire carucate, a sum that can in no way be made to adapt itself to the agricultural measurement, evidently represent the Scat-penny levied

ploughland. "Duas carucatas boum, scilicet xx. boves," occurs in a charter relating to Bury St. Edmunds, dated 27th June 1216 (*Rot. Chart. in Turri.*—Hardy, p. 223); the *carucata boum* evidently answering to a pasturage for ten head of cattle. A similar inference may be drawn from the value given to the ordinary ox amongst the Saxons, in the time of Charlemagne—a solidus; the value of the mansus being 10 sol., or amongst the Saxons, 10 oxen. As soon as an agricultural system was established, however, the animal fell in value, and ceased to be a standard. In the Laws of Athelstan, for instance, the ox is valued at a mancus, when the ploughland was worth 5 lbs., or forty oxen, instead of ten or twelve. Hence the animal ceased to be a correct standard of value under an agricultural system, and to reckon it as such would only entail confusion.

upon the stock, instead of upon the assessed valuation of the land, or the worth of the tenth animal in money. Amongst an agricultural population the ox was the prominent beast, for he helped to draw the plough; but in a pastoral state of society he was of comparatively little use except as a *mart*—to be eaten—and his place was usually taken by the cow, her standard of value, apparently, averaging for a considerable period twelve scillings, varying with the fluctuations of the actual coin in use. In scillings of four light-pence the value of the cow was represented by the two ores of sixteen sterling pence, paid as cornage from the carucate in Lancashire, a relic of the time in which the wergild of the North-country Twelfhyndman was reckoned at a hundred cows, or twelve hundreds of scillings. Reckoned in scillings of four sterling pence, the cow was the equivalent of three ores of sixteen, or four shillings, her valuation in the Laws of the Scots and Brets, in which the *Cro*, or wergild, of the Thane was assessed at a hundred cows, or twelve hundred scillings of four sterling pence; whilst in South-country scillings of fivepence she was worth three ores of twenty, her value in the Welsh codes. In Wales, however, she was evidently reckoned at an earlier period at half that sum, or at the mancus, which was the legal value of the ox in Athelstan's Laws, when the horse, rated at a pound in the Conqueror's time, was only assessed at half a pound. When the *Mercheta Mulierum* was compiled her value had risen in Scotland to six shillings, but *four* was her standard in the laws of William the Lion and his son, and a similar price was given for her in Ireland in the twelfth century; for the tribute of 140 head of cattle, due from Ossory to the Cowarb of St. Columba, was commuted in 1161 for a payment of 420 uinges of pure silver, giving a value of three uinges, or ores, of silver, to each animal. The Irish uinge, calculated in lighter pinginns, at this time still represented the current "ore of sixteen," and the legal value of "the cow" during the twelfth and thirteenth centuries, and probably the eleventh, may be taken at four English shillings, for Scotland, Ireland, and the northern counties of England.[1]

The agricultural measurement in Scotland upon which the *regium gildum* was levied, payable alike from ecclesiastical and secular lands, as may be gathered from a charter of William the Lion, was the Ploughgate, or carucate of 104 acres. It was divided, as in northern England, into eight oxgates, two as usual making up the ordinary farm-holding known as the Husbandland, the name by which similar holdings were known throughout Northumberland. The equivalent of the ploughgate in northern Scotland was the Davoch, a large pastoral measure equal in actual extent to four ploughgates, or in the same proportion as the suling

[1] *A. F. M.* 1161. The original difference between the currency in England and in Ireland is still traceable in the sixteenth century. By the Composition of Connaught, in 1585, it was arranged that certain services, and imposts, should be commuted by the payment from every quarter of land, containing 120 acres, "that bears either horne or corne," ten shillings English, or an Irish marc. Hence 120 sterling pence were equal to 160 Irish pence, or exactly in the old proportion of the Caroline penny and Merovingian denier, or Irish screapall. An Irish pinginn would have passed for a farthing.

and the jugum, the large old hide of 240 acres, and the lesser measure of 60, which became the ordinary hide for agricultural purposes in later times. In course of time the Davoch seems to have been calculated, as a measure of land, at four ploughgates; but it appears to have been originally reckoned, like the suling, as the equivalent of a ploughland, and divided into eight oxgates; for, by a regulation in the *Regiam Majestatem*, no husbandman was liable to heriot unless he held, at the least, the eighth part of a Davoch; and the ordinary amount of the kirktown, or glebe assigned to the church, in Morayshire and north-eastern Scotland, was a half-davoch. In either case the equivalents of the oxgate and half-ploughgate of south-eastern Scotland are plainly traceable.[1]

From a decree of Exchequer, dated in 1585, in which it is laid down that "thirteen acres extendis and sall extend to ane oxgait of land, and four oxgait extendis and sall extend to ane pund land of auld extent." Mr. Innes has shown that the valuation of the ploughgate of old extent, or, in other words, according to the estimate of the thirteenth century, was reckoned at two pounds, a sum that can in no way be adapted to the acreage. But in the reign of William, and at the time when the valuation according to "the auld extent" was taken, two pounds, or thirty ores of sixteenpence, represented the legal value of *ten* cows, one of which evidently went to the king; and thus the Scat-penny was originally levied in Scotland upon the stock, in accordance with the custom so long prevalent throughout northern England, remaining attached to the land as the *overhyrnes*, or prerogative of the overlord, levied in the form of cornage instead of land-gavel, long after the agricultural system of measurement had replaced the pastoral. Under the name of "the Forty-shilling land of old extent," the ploughgate was the original qualification for a vote in the counties of Scotland; and upon the principle of the Forty-shilling freehold in England, which represents the tenth part of an old *Feudum militis*, or knight's-fee of 20 lbs. of land, the ploughgate originally represented the tenth part of 20 lbs. of land, or of a barony of ten hides. This exactly tallies with the *cro* or wergild of the Thane in the Laws of the Scots and Brets, which was reckoned at a hundred cows, or three hundred ores of sixteenpence, the equivalent of 20 lbs. of land, ten *carucatæ boum*, or a large vill of ten hides. Thus in Scotland, as well as in England and in Wales, the wergild and the appanage were once in exact correspondence; in Scotland, as well as in England, the Ten-hides and the Twelve-hides are equally to be traced.[2]

[1] *Reg. Prior. St. And.* p. 212; *Reg. Maj.* iv. 17. By the regulation passed in 1214, every man with *five cows* was bound to "take land," and turn agriculturist, an enactment that could only have applied to the pastoral districts of the north country. As five cows represented 1 lb., and a "pund-land" was half a ploughgate, it is evident that originally the smallest agricultural tenant, in this part of Scotland, was the holder of the "eighth part of a davoch." —*Act. Parl. Scot.* vol. i. p. 67.

[2] My authority is again Mr. Innes, whose Lectures I have had the advantage of reading in manuscript. The difference between the forty-shilling freehold in England and Scotland is worthy of remark.

Many passages in the older Scottish laws go far to confirm the identity of the Ten-hides and the Barony. Three vills seem to have been generally reckoned as a *Visnet,* or neighbourhood. No *frith* was allowed, by old English law, to the thief, if the sufferer proclaimed the robbery in *three tuns.* If the judge of a Gericht was not to be found when an offender was taken in flagrant delict, the case might be dealt with summarily, according to old German law, by a temporary Gograf, chosen by the inhabitants of at least *three Dorfen.* After the dog that could worry a wolf was ranked in value the dog that would follow, and hold to the chase after him, through *three Dorfen.* The triple oath of 30, 36, or 42 men, represented the joint oaths of *three vills,* or a neighbourhood; over 35 men (or 3 × 12) constituted a *Here* by Ini's Laws; and an attack upon a house by (3 × 14, or) 42 men raised *Heimzuht,* or housebreaking, by Bavarian law, into *Herreita,* a harrying, or levying of war—the numbers in each case representing the levee en masse of *three vills,* or an entire neighbourhood. By early Scottish law the "Sequela trium baroniarum" constituted a visnet, and the "Proportio trium baroniarum" is explained to mean "the seneschal and four leal men of the vill or toun," the same personages as the Tungreve and four men of the vill who appeared in the absence of the Baro regis, or of his Dapifer, according to King Henry's Laws, and who were the equivalents in a Gesith-socn, of the Borh's Ealdor and four men of the Borh in the Kentish Tything. Thus the Scottish barony of the twelfth and thirteenth centuries seems to have answered to the Ten-hides, or large vill forming the third of a Visnet; the holding necessary to confer the rank of King's-thegn, or tenant in capite, whose equivalent was the ordinary Baro regis, or lesser baron, of King Henry's Laws, and the holder by homage of *ten* mansi in the Empire during the corresponding period.[1]

[1] *Leg. Ethel:* iii. 15; *Ini.* 13; *Sach. Spieg.* bk. i. 55; Pertz, *Leg.* vol. iv. p. 23, 24; *Leg. Will.* 21, 32; *Stat. Alex.* ii. 5, 6. The custom of clearing the Tything by the joint oaths of four Tythings, or an old shire, appears in the Confessor's Laws, in the section treating of the North-country Tenmantale, and evidently refers to that part of England in which the recollection of the Twelve-hides and early shire lingered the longest. There is no allusion to the practice in the Laws of King Henry, which treat almost entirely of the custom of the South-country, where the Ten-hides and Forty-hides had obliterated all recollection of the earlier system, the Tungreve, or Borsealdor, and his four companions, representing apparently the half of a South-country Tithing, or Ten-hides. The Scottish barony seems to have resembled the Baronia, or Ten-hides, of these Laws. In the Testa de Nevill, treating of properties dependent on the king, the title applied to the ordinary feudal holding is always *Baronia.* The tenure of Hephale, for instance, long held in thanage for the annual payment of 50 sol., was changed by John, and Ivo Taillebois held it for the service of a knight, as the *barony* of Hephale (*T. de N.* p. 393). The charter of Henry I., however, freeing tenure *per loricam* from its earlier obligations, never penetrated into Scotland, and the obligations [illegible] to have been commuted for a money-payment, known as *Blanche Kane*—money paid in [illegible], and not by tale; equivalent to a sterling currency, or of the full value. Hence the Scottish feudal tenure of "Ward and Blench." The 40 sol. paid by Odoard the vicecomes, and subsequently by Arnulf the knight, in lieu of all service from the vill of Swinton, represent Blanche Kane, and Arnulf, as a knight, held Swinton as a barony "by Ward and Blench." In consequence of Magna Charta the whole of the English baronage, who were not summoned as, or created, Peers of Parliament, were gradually merged in the commonalty, and were obliged to be content with the title of *Esquire,* belonging originally to the freeholder with 10 lbs. of land, who was

A great change appears to have come over Scotland in the course of the fourteenth century. An Act was passed during the reign of James II., in 1457, "anent the setting of landis in feu-ferme," which seems to have remained a dead letter for another fifty years, perhaps in consequence of the untimely death of the King in 1460. It was not allowable, before the passing of this Act, for tenants in "Ward and Blench" to sublet their lands in feu-farm, the Crown itself being restricted from such a course in royal demesnes. Yet the charters of the twelfth and thirteenth centuries abound in references to *feudo-firmarii*, who appear to have formed the bulk of the free tenantry in thanages and shires, under the thane and sheriff; and, in a fragment of old burgh-law, the feu-farmer is distinguished from the *Malar*, or ordinary free-tenant at rent, pointing to the retention of the early tenure amongst the burgherhood. By another Act, passed in the same Session, tenants of the Crown, holding less than 20 lbs. of land, were relieved from attendance on Parliament, for hitherto "every man of lawful age, holding lands in capite of the Crown, however small his freehold, was bound to give suit and presence in Parliaments and General Councils, under a certain customary fine, or *unlaw*," in other words, the smallest freeholder, who was a tenant in capite, was a member of the baronage, and his tenure was of the strictest feudal character. The very system of law appears to have undergone some sort of change, for the Parliament of James I., held in 1425, ordered "that sex wise and discrete men of ilkane of the three estates . . . sal se and examyn the bukes of law of this realm, that is to say, Regiam Majestatem and Quoniam Attachiamenta," books to which not the slightest allusion is ever made in any of the earlier laws. The earliest copies of these works seem to have been written towards the close of the fourteenth century, by which time a Scottish edition of Glanville's treatise and the Civil Codes had eradicated the recollection, or supplanted the use of the earlier customary law.[1]

Before this time, inquest was made in shires and thanages, as well as in baronies and king's demesnes; and, as in the England of a certain period, the county was divided into Hundreds and Gesith-socns, so in Scotland the Sheriffdom was made up, at that time, of Thanages or Shires, and Baronies. The lesser free-tenant in the southern shires was the *Dreng*, for some of the earlier mandates of David I. were addressed

bound to serve in full armour, or as an *Armiger;* whilst in Scotland every tenant in capite, holding in Ward and Blench, continued to be reckoned as a Baron, and was known as the *Laird*. Again, the Statute of Edward I., by putting a stop to the subdivision of manors, prevented the e[illegible]sion of manorial rights, such as the Court baron, to minute properties, whilst no similar en[illegible]ent prevented the multiplication of "heritors' courts" in Scotland.

[1] *Acta Parl. Scot.*, James I., 1425, sec. 10, James II., 1457, sec. 15, 21, do., vol. i. p. 41, 357; Thomson's *Historical Enquiry*, pp. 152, 176, 177. In abolishing the Leges inter Scottos et Brettos, Edward did away with the whole system of wergild and ordeal, and other early customs, which had once been equally prevalent in England, for it must not be supposed that the remnant handed down to us about *Cro* and *Gelchach* represents all the unwritten customary code of earlier times. Many of the changes, generally ascribed to the sons of Malcolm Canmore, were in reality introduced in the fourteenth century, when a great deal of what has passed for history in Scotland was also composed.

to the Thegns and Drengs of Lothian and Teviotdale, just as the Bishop of Durham "greteth well all his thanes and drenghs of Ealandscire and Norhamscire;" whilst in northern thanages the Thegn and Dreng were represented by the Mair and Feudo-firmarius. The Dreng, the equivalent of the Liber mansuarius amongst the Franks, was the military tenant of a certain stage of society, the original miles, cnecht, or military follower of the Gesithcundman attached to the land. He was still traceable amongst the tenantry in the northern Palatinate in the twelfth century, though in a comparatively subordinate position; for in the Boldon Buke he is generally represented as the holder of a carucate of land, performing the *fourth* part of the service and *utware* of a Dreng; so that originally the full Dreng was in possession of *four* carucates, a small township, or the holding of a cnecht. Like the ordinary husbandland, his holding was liable to all the obligations of base-tenure, but he and his family were personally free, the Dreng only attending the hunt, riding on the errands, and performing the *utware*, or military service, of his overlord. He seems to have been the equivalent of the Haistaldus, Hagerstaller, or Hagerman, amongst the Franks and Saxons, a hereditary tenant in *fee-farm*, bound to military service, and personally free from the obligations of his farm-holding, which were performed by his dependants. A similar character seems traceable in the Radman, or Radcnecht, of Southumbrian England, a relic apparently of that stage of society in which the Twelfhyndman, Sixhyndman, and Ceorl bound to military service—the yeoman, not the husbandman,—preceded the King's-thegn, Medial-thegn, and Less-thegn.[1] The knight, his son, the holder in knight's-fee, and the holder by charter and free service in any way, or by fief de hauberc—such were the classes entitled to the privileges of gentle birth in the Scotland of the thirteenth century, without being numbered amongst the greater nobles, privileges from which "Firmarii de rusticis nati" were excluded. Hence the tenure in fee-farm was not in itself ignoble, where the property was held "by charter and free service." In the Council held at Inverness in 1220, for the purpose of levying fines upon all who had failed in attending the host during the campaign

[1] *Chart. Cold.* xcix., c.; *Boldon Buke*, Ap. lviii. The two classes entitled by birth to land in Northumbria, according to Beda's letter to Egbert of York, were the "filii nobilium et militum emeritorum," the sons of Gesithcundmen and *Drengs;* for had the miles emeritus been a King's-thegn, he would have been Twelfhynd and Gesithcund; even the Less-thegn relieved his father's land with 40 sol., the Twelfhyndman's fine. A tenth of his wergild was exacted from the Twelfhyndman for neglecting the *Fyrd*, the 120 scillings which reappears in the 40 sol. paid as scutage. The Ceorl was fined 30 scillings, the 10 sol. paid for castle-ward—burh-service—which gives his valuation at 300 scillings, answering in Mercia to 5 lbs., the wergild of the London burgher, amongst whose fraternity no candidate with the taint of villeinage could be enrolled. Henry the Fowler, according to Widukind (L. i. c. 35), "ex agrariis militibus nonum quemque eligens, in urbibus habitare fecit . . . cæteri vero octo seminarent et meterent, frugesque colligerent nono, et . . . concilia et omnes conventus atque convivia in urbibus voluit celebrari." By a similar course, the *agrarii milites* in England had before this time been enrolled as Burh-thegns, and Burh-wara, and the vestiges of the old Drengage tenure are traceable in many of the burghs in Domesday—Shrewsbury for example—the burgesses of Lancaster being freed "de secto molendini, de arura, et aliis servilibus consuetudinibus," reaping the King's crops amongst them, by a charter in 1199.—*Rot. Chart. in Turri*, p. 26.

against Donald M'Niel, the landowners holding of the Crown were distinguished as bishops, abbots, barons, knights, and thanes, the mesne-tenant being represented by the ogtiern; the thane, his son, and the ogtiern, of the laws of the Scots and Brets, holding by charter, and liable to Scottish service, evidently corresponding with the knight, his son, and the holder in knight's-fee, of the laws of William and the Alexanders, liable to knight-service. The knight makes his appearance, in the Scottish laws of the thirteenth century, upon an equality with the landed proprietary below the footing of a greater baron. He was only to be judged by a Visnet of knights and hereditary freeholders by charter, the "knights and others" of the corresponding period in England. "Erlys, baronys, and *marys*," such was Wyntoun's idea of the aristocracy of England at the time of the Norman Conquest; and in attendance upon the youthful Alexander of Scotland when, at Christmas in 1251, he met the English Henry at York, were "multi æquepollentes militibus," according to Paris—of sufficient standing to accompany their sovereign on occasions of state, though not members of the baronage. Thus a brief glimpse is obtained of the germs of a land-holding community in Scotland during the reigns of the Alexanders; in the following century, nothing is traceable except the baronage and the burgherhood; and the Scottish knight, no longer a Vavassour, is the knight of chivalry.[1]

Everything appears to have been subordinate in the Scotland of the fourteenth century to the passion for independence, knight service accordingly replaced the earlier tenure of the shire or thanage, which only entailed the far less efficient "Scottish service," containing no stipulation on the subject of arms and armour, and the smallest landed freeholder, if a tenant of the Crown, became a member of the baronage. An example of the change in progress is afforded as early as 1323, in the transfer of the lands of Moulin, in Atholl, which had been held in fee-farm of the Abbey of Dunfermline by David de Hastings, to Niel Campbell and his wife Mary Bruce, to be held by homage and the annual payment of ten marcs of sterlings, or as a barony held by "Ward and Blench." A change seems to have also taken place about the same period in the method of assessing land. During the peaceful reigns of the Alexanders land had so increased in value, that, at the instance of the Papal Court, a new assessment of Church lands was set on foot in spite of the opposition of the Scottish clergy; and the valuation of Bagimont, taken in 1275, became the standard from that time of ecclesiastical assessment. Bagimont's valuation, however, only applied to the property of the Church, lay lands remaining at the earlier standard, known in after times as the Old Extent; and when the Estates in 1327 granted to their King, for his life, an annual tax of the tenth-penny from all farms and rents, the aid was levied "juxta antiquam extentam terrarum et reddituum tempore bone memorie domini Alexandri. . . . ultimo defuncti. . . . excepta tantummodo destructione guerre." No tax

[1] *Stat. Alex.* ii. 2, 5, 8, 14; *Wyntoun*, bk. vii. c. 2, b. 12; *Mat. Par.* (edit. 1640), vol. ii. p. 829.

seems to have been again levied on a similar principle, perhaps on account of the rapid depreciation in the currency, subsequent aids being voted in gross, and then apportioned out amongst the three Estates, the clergy, baronage, and burgherhood, according to the actual value of property at the time in the currency of the period—the *Verus Valor* which makes its first recorded appearance in 1366. In the following year, or after the tax had been collected, ten dwts. were deducted from the pound, and 352 pence were coined from the diminished weight, thus about equalizing the current pound with the marc by weight.[1]

From this time forward the assessment of the land seems to have ceased to correspond with the agricultural measurement, and to have been much in accordance with the actual value of property in the currency of the time, as had been the case for some time previously in England. The *Merkland* makes its appearance, perhaps because in Scotland, as well as on the Continent, as soon as the current pound ceased to correspond with the standard of weight, it was replaced by the marc. In modern times, for a currency of base metal we have learned to substitute depreciated paper. It was ordered in 1552 that a well-equipped soldier should be furnished from every "fourtie merk land of awld extent," by spiritual as well as lay lords, and wherever there happened to be "sindric portioneris" of lands within the shire, the sheriff has to join them together so as to make up a forty-merkland, the proprietor of the largest portion providing the man, the others sharing the expenses. The Forty-merk land would thus appear to have answered to some recognised subdivision of the land, but it would be difficult to estimate its superficial extent, beyond conjecturing that it may have been the equivalent in Scotland of the forty lbs. of land which, after the opening of the fourteenth century, constituted in England the great knight's-fee. The *poor knight*, or the Vavassour holding the appanage of a medial-thegn, may have disappeared at the same time in both countries. When it is recollected that the English knight's-fee is reckoned in the Testa de Nevill at from three to twenty-four carucates, so that a forty-shilling freehold, or the tenth of a fee, may have varied at its original standard between 36 and 288 acres, it will probably be admitted that any attempt to estimate the extent of the merkland in acres might be more ingenious than satisfactory.[2]

[1] *Act. Parl. Scot.* vol. i. pp. 121, 124, 140, 144. White sheep, riding-horses, and drawing oxen, were exempt from tax. Wool was a state monopoly, and in consequence untaxed. The Scottish system of warfare in the fourteenth century required a number of light-armed horsemen, as may be seen in the pages of Froissart, and the riding-horse was accordingly exempt.

[2] Thomson's *Historical Enquiry*, pp. 18, 40. From a rental of the Gordon property taken in the last year of the sixteenth century, Mr. Innes has shown that in Badenoch the ordinary measurement was the Ploughgate, which was replaced in Lochaber by the Merkland. The Forty-merkland occurs in more than one instance in the latter district. It is curious to trace the gradual progress of the royal power in these old measurements. The Ploughgate, and the Shire or Thanage, will be found all over Scotia proper and the Lothiana, but they do not appear to have penetrated into the Cumbrian province, Galloway, or to the eastward of the Glen More.

VI.

Irish Measurements.

An occasional difficulty is encountered by the inquirer into the history and customs of the past in Ireland, which will be best exemplified by a few quotations taken at random from two works of much interest and value. "In the said parishe are sixe gortes of glebe, whereof three gortes belong to the vicar, and th' other fower gortes to the keeper of the missagh." . . . "To the church belonge three quarters, of which one . . . is free to the herenagh . . . who paid out of the other three quarters, etc." . . . "In ordinary parishes the allowance of herenagh land was four balliboes, or one quarter." . . . "The quarter was one of the four component parts of the Ballybetagh, and contained three balliboes." Again, it is stated in the Registry of Clonmacnoise, as translated by Duald Mac Firbis for Sir James Ware, that Cellach "from whom are the O'Kellies, bestowed of small cells to Cluain, Killmeog, 48 daies (that is to say, 48 dayes plowing, or as much as might be plowed of land in 48 dayes), etc.," when, from another passage in the same Registry, "24 daies in the Grainsey, and 24 daies in Koyllbelatha, *i.e.*, a quarter in them both," it may be gathered that the *Daie* was a small measure of 48 to the Quarter. In the first passage we have the conjecture of the translator, in the second the explanation of the compiler of the Registry. Fortunately we are not called upon to divide the gortes between the vicar and the keeper of the missagh, nor to settle the rent payable "out of the other three quarters" by the herenagh; but the doubt will occasionally suggest itself, in connection with certain passages, as to whether they are the genuine productions of antiquity, or simply emanations from the fertile brain of a commentator.[1]

There is not a trace of any standard of agricultural measurement in Ireland before the English invasion. The firstlings of the flock and herd, the baptismal pinginn, and the anointing screapal were the prerogatives usually claimed by the Cowarbs; cattle, horses, and screapals were collected by the Maers of the greater dignitaries on their circuits;

[1] Colton's *Visitation*, p. 45, 65; *Hy Many*, p. 98, 15. In the opinion of the late Professor O'Curry, an authority second to none in everything relating to the ancient language and literature of his native land, the *Tain Bo Cuailgne* affords an excellent example of the state of Ireland at the period it is supposed to illustrate. About the opening of the seventh century, all the poets in Ireland are said to have assembled, in order to ask each other about the poem in question; but as none knew anything about it, and they thought it might be contained in a book that was said to have been carried off to Italy, it was agreed upon to search for the book. All further trouble, however, was saved by the appearance of the ghost of Fergus Mac Roich, whose existence in the flesh is placed in the century before the commencement of the Christian era. As one of the heroes of the *Tain Bo Cuailgne*, he recited the poem from beginning to end, and the ghostly narrative was written down by St. Kieran upon the hide of his favourite dun cow. Such is the authority for the poem as it exists, or did exist, in the Book of Leinster, a compilation of the fourteenth or fifteenth century. What period of Irish history may it be supposed to illustrate?

Scaith, or a measure in every brewing of ale or mead, was exacted from the tenants of the vill; and Roderic O'Connor acknowledged the superiority of the English King by payment of a tribute in cattle, or cornage. Four centuries and upwards after the era of Roderic O'Connor the official fee or fine upon the nomination of an Irish "captain" was still reckoned and paid in cows. But the Seam of produce, the Thrave of corn, and other similar offerings of an agricultural community, will be sought for in vain amongst the early Irish; for Refection seems to have been always exacted in kind, a custom continuing in full force in the seventeenth century, when the Archbishops of Armagh were wont to pass much of their time in moving about from one church manor to another—the parson supplying refection for the first night, the vicar for the second, the part of host on the third night falling to the herenagh, or hereditary tenant of the church lands. Rent was in those days light, as an Irish halfpenny from every acre was considered a high standard for the *Antiquus census;* but *coshering*, as of old, was extremely heavy. The only description of tenancy alluded to in the *Senchus Mor*, as far as it has yet been published, is the "Stock-tenure" of the Saer Ceili and Daer Ceili—*Gillies*, who were bound to take cattle from their lord, annually repaying a third of the produce of the stock as rent to the donor; the tenure of the *Gebur*, without the obligations attached to his arable land. Nearly every regulation in the Senchus has reference to *Set*, a word akin to the Breton *Saout*—le gros betail—as Mr. Stokes has pointed out. Greens or plots of pasture or meadow land were to be set apart, and fenced for impounding *Set;* delays were granted in seeking them from a distance; but to land under agriculture and its measurements, to its produce, obligations, and burdens, not the slightest allusion is to be met with as yet in the original text of the Senchus Mor.[1]

The Barony, the Townland, and the Quarter make their first appearance as agricultural measurements in Ireland some time after the arrival of the English invaders, the "Adventus Francorum" of the charters of the early Plantagenets; for in the few existing charters of native origin no recognised measure of land will be found. The *carucata* is the standard of reckoning, as a land measurement, that alone appears in the

[1] The dues of the Cowarbs will be found in the *Hy Many;* their principal circuits are collected from the Annals, in the introduction to Colton's *Visitation.* The right of *Scaith* was granted by Dermot Mac Murrogh to the Abbey he founded at Ferns in 1166, and by Geoffry Fitz Walter to the Priory he established at Kells in 1183.—(*Dugdale Mon.* vol. vi. pp. 1142, 1143.) A wide difference must be made between the text of the Senchus and the explanations of the commentators, who are occasionally sufficiently absurd. In the regulations for the "Green," for example, where cattle were sometimes to be impounded for several days, it is laid down in the text that it should "be level," on which some commentator remarks, "that is, it should be *arable land*," thus impounding cattle in a ploughed field! Again, in conformity with the regulations of the wide-spread custom, familiar in the old English laws as *Team*, a delay of a certain number of days was allowed, in seeking cattle, according to the number of "Magh-spaces" to be crossed, and a commentator explains the magh-space as "the distance at which the crowing of a cock, or the sound of a bell, can be heard." A delay of some days, therefore, was to be allowed in seeking for cattle beyond the distance at which a cock could be heard crowing!—(*Senchus Mor*, vol. ii. pp. 13, 109.)

early charters of the English kings; the *carucata* was the measurement by which the tax annually payable by the Irish "captain" was assessed; and the recollection of the English measure was perpetuated under the corrupted form of *Carewe*. Its equivalent in the north of Ireland, however, seems to have been better known under the name of the *Balliboe*, or Cow-land, generally containing either 60 or 120 acres, and thus answering either to the lesser, or the medium, hide of England. The balliboe, which is said to have been known in Monaghan and Fermanagh as the *Tate* or *Tath*, seems to have been divided in later times into three *Seissiaghs* or *sixths*, each seissiagh containing twenty acres, the name of *sixth* pointing to some earlier time when the larger measurement reached the full standard of 120 acres, answering to the ordinary English carucate. The original Irish name for the measure introduced by the English is said to have been *Seisreach*, or Six-horse land, and the Seissiagh, or sixth, seems to have been often known as the *Capul*-land—the Horse-land, or sixth of a ploughland worked by six horses, corresponding in theory with the Oxgang, or Bovate, where the plough was supposed to be drawn by eight oxen. In many parts of the North three Balliboes went to the Quarter, twelve to the Townland, and thirty Townlands to the Barony, reckoned as agricultural measurements. "According to Irish authorities of respectable age," writes Dr. Reeves, "each Tricha-ced contained 30 Bailebiatachs, each Bailebiatach 12 Seisreachs, and each Seisreach six score acres of native measure;" thus identifying the Seisreach with the carucate, the Bailebiatach with the Twelve-hides, or square Leuga, and the Tricha-ced with the Quarter, or Three-Hundreds of England. Whenever the Balliboe, or ordinary standard measure of the north, was reckoned as only half a Seisreach, every other measurement must have shrunk in proportion.[1]

"Which 40 Balliboes, or townes, doe contayne 10 quarters, amountinge to 2½ Ballibetaghs," says the Ulster Inquisition in 1615, pointing to the existence of another standard in the province, by which sixteen balliboes went to the ballybetagh, giving to the latter, in theory, an extent of 960, or 1920 acres. "A quarter which contayneth 240 acres at the least, and som more, let for 6s. 8d., som for 3s. 4d., and fewe for 10s., none above, which they called *Antiquum censum*," wrote Bishop Montgomery to James I. The Quarter in this case contained four balliboes, and twelve seissiaghs; and if it was divided as usual into three portions, each third would have nominally contained 80 acres, or a balliboe and a seissiagh, answering to the measure known as the *Tullagh*. Thus the larger Ballybetagh of sixteen balliboes would appear to have been occasionally divided, as of old, into twelve portions, each answering to a tullagh, and corresponding in theory with the land-measures of the Eng-

[1] My principal authority is Dr. Reeves, "On the Townland distribution of Ireland."—(*Proceedings R. I. Academy*, vol. vii. p. 473.) Within the English pale, the English system appears to have been thoroughly established, "Fingal measure" answering to the statute acre. —*Ware* (Harris), vol. ii. p. 225.

lish south-country, the suling of 160, and the half-suling or carucate of 80 acres. It will be seen from the Inquest of Limavaddy that, in 1609, the Archbishop of Armagh was "seised of fee, in right of his archbushopricke, of and in a yerely rent of twoe markes sterl. per ann. yssuinge out of the herenagh lands of Clonie contayninge one quarter." "Clowney contayninge 4 balliboes, or townes, which balliboes, or townes, doe containe 1 quarter," says another Inquest held about the same time, thus giving sixteen balliboes to the ballybetagh in this locality; whilst an entry in Swayne's Registry adds, "Dominus Primas recepit pro *quinque carucatis* terræ . . . in Clonne cum pertin. 2 marc." Clone, "now called Clooney, is a townland in the parish of Clondermot, containing 604 acres;" so that it may be gathered from these passages that the Carucate, *five* of which went to 604 acres, was an actual land-measure of 120, whilst the Balliboe was not necessarily in exact correspondence with it. The native measurement had, in reality, been handed down from a pastoral state of society, and adapted to the agricultural system introduced from England; for originally, like the Scottish Davoch, it was evidently a certain extent of pasturage, or, as the name implies, a *carucata boum*.[1]

In Connaught the *Cartron*, or fourth of the Quarter-land, "was computed at 30 native acres," identifying the Quarter with the Carewe, or ordinary carucate, and the Townland, or Ballybetagh, with the smaller English vill of four hides. Thus the Tricha-ced, as a measurement, in this part of Ireland, would have answered to an English Hundred of six score hides, or the third of an ordinary Tricha-ced in the north of Ireland. The Irish name of the Cartron has *Ceathramhadh*, pronounced *Carrow*, and it appears to have been the ordinary measure in Leinster, as

[1] Colton's *Visitation*, pp. 31, 32, 78, 117. "In Ulster, Connaught, Meath, Leinster, and Munster are contained 184 Cantreds, otherwise called Hundreds or Baronies, viz., in Leinster 31, in Connaught 30, in Munster 70, in Meath 18, and in Ulster 35. In Ireland are 5495 towns, viz., in Leinster 930, in Connaught 900, in Munster 2100, in Ulster 1050, and in Meath 515. Every cantred contains 160 Plowlands of arable, besides the pasture of 300 kine in every town: Every Plowland containeth 120 acres." Such was the report of the Commissioners for settling Connaught in 1584, according to Sir James Ware (*Harris*, vol. ii. p. 225). It occasionally does duty for the state of Ireland in the pre-historic period, but it does not agree with the Inquisitions taken about the opening of the seventeenth century in Ulster; and as the latter province had ignored the English authority from 1315 to the reign of Elisabeth, the native measurement is more likely to have retained its original dimensions in that quarter than in Connaught. As a measurement, the Townland in Connaught in 1584 was only a third of the size of the Townland in Ulster, so that a Cantred of thirty Connaught Townlands would have been only equal to ten Ulster ballybetaghs. Whenever the latter was reckoned at 16 balliboes, there would have been 160 balliboes, or ploughlands, in the Connaught Cantred. Some four centuries before the Commission in Connaught Ireland was divided, according to Giraldus, into five provinces, from which Meath was separated as royal demesne. Each province was subdivided into 32 cantreds which, with 18 in Meath, made up 176.—(*Top. Hib.* Dis. iii. c. iv. v.) When Fitz Stephen and Miles Cogan occupied Desmond, they divided between them the seven cantreds nearest to Cork, and put the remaining 24 to tribute, which with the cantred retained by Henry II. under the royal authority, gives 32 to Desmond.—(*Exp. Hib.* ii. 20.) The vague character of all such calculations is shown by the remark of the same authority, that the Isle of Anglesey was only reckoned at three Cantreds, though it contained 363 *Trefs*.—(*Iter. Kamb.* ii. 7).

well as in Connaught, though estimated at a variable amount of acres, but always reckoned as the fourth of a Quarter, or ploughland, measurements which in this part of Ireland would appear to have been identical. In Cavan the Ballybetagh was divided into Pints, Quarts, Pottles, Gallons, and Polls, a thoroughly English arrangement, and *Marte-lands* make their appearance in southern Ireland, answering apparently, in the same manner as the Balliboe, to the carucate, and evidently deriving their name from the ancient custom of cornage. The Commissioners in Munster, in 1589, thought that "the tenants and pretended proprietors of the chargeable lands . . . should pay *Shraughe* and *Marte* to Her Majesty, as they did to Desmond;" Shraughe being explained to mean, "a yearlie rent in sterling money," Marte, "a yearlie rent of beef." The measurement known as a ploughland amongst the English of Waterford seems to have been familiar to the native Irish as the Marteland.[1]

It seems possible, even yet, to obtain a glimpse of the old pastoral arrangements of Ireland in the original name of the Ballybetagh—the *Ced*, or Hundred, thirty making up the Tricha-ced, as a nominal measure of land. Assuming the correctness of the early estimate, giving twelve Seisreachs to the Ballybetagh, each Seisreach, as the twelfth of a *Ced*, reckoned at six score, would have represented a *ten*. The Seisreach, or some measure reckoned as its equivalent, seems to have been better known amongst the native Irish of the north as the Balliboe, or Cowland, and in the wide grazing lands of the south as the Marte-land; and as the name of Marte was applied to "Rent in beef," both balliboe and marteland may be supposed to have originally represented a *carucata boum*, or a pasturage for *ten* head of cattle, one of which was annually due to the overlord. The Irish measure, therefore, would appear to have corresponded in theory very closely with the Scottish ploughgate, as a carucata boum valued at 40 sol., or the worth of ten cows—for the valuation of the animal at three oz. of silver appears from the passage in the Irish Annals, elsewhere quoted, to have been as much accepted in Ireland, in the twelfth century, as in northern Britain[2]—and as the earliest land-measure traceable in northern Scotland was the pasturage known as the Davoch, so the Ced in Ireland may be supposed to have been an extent of pasturage for a hundred head of cattle, reckoned at six score, containing twelve balliboes, or martelands. Thus the tenure of land in Ireland, before the Adventus Francorum, seems to have been identical with the early system of Cornage and Refection, so long traceable throughout

[1] Dr. Reeves, as above, and p. 472. The almost identity in sound between *Carewe* and *Carrow* must have occasionally introduced confusion, and a similar remark may be applied to the *Sheshraughe* and the *Sheshaughe*. In course of time the Quarter became the highest land measure in ordinary use, and the Townland, like the old English Barony, has long ceased to be a land-measure in any practical sense.

[2] *A. F. M.* 1161. The valuation of the cow is often given by the commentators on the Senchus, but on a different principle altogether—so much for the milk, so much for the calf. The *Ceili* who received her from his overlord was bound to repay a certain amount annually—*rent* as it were—which was thus assessed. The sum represents the *hire* rather than the *purchase* of the animal.

northern England and in Scotland. Beyond the English Pale the old system seems to have remained in full force long after it had become extinct and been forgotten both in England and in Scotland; for when Donald O'Madden was made "captain of Sylnamkey, commonly called O'Madden's country," he paid 80 cows for the appointment; and by the agreement between the King's Deputy and O'Carrol, chief captain of Ely O'Carroll, every captain was to pay to the King an annual rent of 12 pence from every carucate, with 120 marts on nomination to his office—O'Carroll binding himself to deliver over to the royal officials "120 good cows or marts," by the festival of St. Philip and St. James.[1]

Some additional circumstances go far to confirm the correspondence of the Ced with the square Leuga, though it is not necessary to regard them as actual measurements identical in extent. The Ced, indeed, can hardly be looked upon as a land measure, for the limits of a pasturage would not be defined by its superficial extent, but by its capacity for supporting stock. The Church-lands of Ireland were known of old as Termons and Herenagh-lands, and though in later days the name of herenagh-land seems to have been often applied indiscriminately to both, they were not in earlier days identical. The right of sanctuary was originally attached to all Termon, though it may have subsequently become obsolete, and the proper title of the tenant of Terman was *Corbe;* in other words, wherever there was Termon, there had once been a *Minster,* and the land attached to it had been held by the *Cowarb*, or representative of the first Abbot, generally a layman, or a married clerk in minor orders. The Herenagh represented the Advocate, or patron of the Minster, and the lands he held were originally the outlying property of the church, so to say, and not the mensal lands which, in early days, were actually cultivated by the monks or clerks, and were situated in the immediate neighbourhood of the home of the community, which alone was entitled to the privilege of sanctuary. Four Termons are mentioned in Colton's Visitation, "the corbe-land of Termonmaguyrke, alias Termanconnyn," containing *sixteen* balliboes; the termon land of the church (of Ardstraw) . . . containing *sixteen* balliboes; the termon of Aghadowy, extending over a ballybetagh, known in the reign of James I. as "the site of the late hospital, or termoe, of St. Gowry in O'Kane's country, with the adjoining four quarters," and the termon of Grangemore, containing *twelve* balliboes. The extent of the Termon

[1] *Hy Many*, p. 148; Colton's *Visitation*, p. 8. "Beeves or Marts were reserved as rent at the settlement of Connaught in 1585." Each was reckoned at an Irish marc, or 10 sol. English currency, and as this sum was paid from "every quarter of land, containing 120 acres, that bears either horne or corne," the marteland is again identified with the *carucata boum.* The difference between English and Irish currency must be always borne in mind, the latter long continuing to correspond with the old Ore of sixteen, and the light lb. of 16 sol. "The Groat of London, York, and Calais passed for 5 pence in Ireland, and the penny for 5 farthings in 1460," or exactly in this proportion; and the standard was still the same in the reign of Elizabeth.—*Ware* (Harris), vol. ii. pp. 76, 211, 212. The Irish shilling of Elizabeth only passed for nine pence in England; in other words, the Irish penny was still reckoned as a screapall—a little under its actual value.

was, in all these cases, a ballybetagh, either of the ordinary or of the larger size, and I think it may be identified with the Leuga, with which the ordinary Minster was endowed, upon the opposite side of St. George's Channel, and with the *decem mansi*, which were given to a similar community amongst the Franks, in that Gaul from which Ireland seems to have derived her early system of ecclesiastical polity. Again, it may be noticed in the *Hy Fiachrach* that the *Duthaid*, or inheritance, of the ordinary member of one of the ruling races who, though the head of a family, had no pretensions to aspire to a prominent position in his district, is frequently reckoned at a ballybetagh, occasionally more, but never less; so that the amount of land in question would appear to have corresponded, as elsewhere, with the appanage usually assigned, in a certain stage of society, to an ordinary member of the noble, or Gesithcund, class, as well as to the ordinary Minster. Thus it seems allowable to conjecture that the Irish Ced, subsequently known as the Ballybetagh, was once a pastoral measurement, containing a number of *carucatæ boum*, and representing the Termon, or endowment, of an ordinary Minster, and the appanage usually given to the Irish equivalent of the Welch Breyr, or Mabuchellwr, thus answering to the Leuga, the Ten-hides, and the Maenawl.[1]

In the early grants and charters of the English kings and their followers in Ireland, two of the native land-divisions are alone recognised, the Cantred, and the *Thwede*, a word explained in a grant of Theobald Fitz Walter as "Theud sive fundum." Under a corrupted form it evidently represents the Irish *Duthaid* or *Du'aid*—the inheritance; and "in thwedo Othothel" would, in later times, have been probably rendered, "in O'Toole's country." The Cantred, or Tricha-ced, was usually held by the service of five knights, or as a feudal barony; and the name of *Barony*, by which it was generally known amongst the English settlers, was evidently derived from this cause. To Hamon de Valoniis, for instance, two cantreds were given for the service of ten knights; to

[1] Colton's *Visitation*, pp. 3, 10, 74, 86. On the death of Moran O'Farrell in 1438, "Cowarb and chief herenagh of all the lands of the Muinter Farrell," the Bishop of Dromore conferred "the cowarbship of the church of St. Medoc at Drumlane, and the herenaghship of the aforesaid lands" on Nicholas O'Farrell, "a clerk of our diocese, and a native of the district" (p. 26). The distinction between the offices was still kept up, and the necessity of bestowing them upon a member of the family was still acknowledged. According to the Senchus, the "social connection" between a *Flaith* and his *Aigillne*—an overlord and his customary tenantry—and an *Eclais* (church) and its *Manachs*, was identical, the Manachs thus answering to the customary tenantry, or native men, of the church-land. The Irish Manach would thus appear to have been a member of a class very much resembling, if not identical with, the Scottish Scoloc; and I believe that wherever a Minster had once existed, with a church that was the mother-church of the district, there would have been found, in a certain stage of society, a termon and manachs, or a kirktown and scolocs; whilst the native-men upon other church-lands were not necessarily of the same class. In one of the regulations of Alfred's Laws the monk appears as a sort of dependent herdsman, and in the tenth century members of the clergy were passed by charter as native men, even in Italy.—*Senchus Mor*, vol. ii. p. 289. In 926, Daniel, the priest of Carazana, "living by Roman law," sold to Audax, bishop of Asti, for 30 solidi, his slave Martin, the sub-deacon.—*Hist. Patr. Mon.* tom. i. p. 127, ch. lxxv. Here the sub-deacon was an absolute serf, and not merely *adscriptus glebæ*.

Milo Fitz Henry three, for the service of fifteen; Geoffrey de Constantin received a cantred in Connaught for the service of five knights; and John le Mareschal held the Mareschalship of Ireland, "with his cantred," for a similar amount of service. It never seems to have been reckoned as more than a barony, though occasionally as less; William de Barry, for instance, holding three cantreds in Cork for the service of ten knights, or as two baronies.[1] In actual extent it appears to have been loosely estimated about this time—during the reign of John—at twenty knight's-fees, or four baronies. Thomas, Abbot of Glendalough, received in 1200 a life grant of forty carucates, or a forty-hides, out of the abbey lands, the remainder reverting to the crown; and in 1213, the abbey and bishopric of Glendalough were made over to the See of Dublin, "saving the tenement of Abbot Thomas, that is the *half-cantred* he holds for his life of the archbishop." Robert Fitz Martin, again, received a grant of forty fees—"that is to say, in the cantred of Insovenach the fees of twenty knights, and the fees of twenty knights in other quarters." Thus in both these instances the cantred seems to have been reckoned at twenty, the half-cantred at ten fees. Three grants, each of five fees, and a fourth of two, were made "in cantredo de Huhene" in 1199, and thirty-one carucates were given, at the same time, to Milo le Bret in the same cantred, the whole amount being rather over, than under, twenty knight's-fees; whilst in the same year two grants, each of five fees, were made "in cantredo de Fontimello," to be held by the service of three knights and a third, the remainder of the cantred, being made over, on the same day, to William de Burgh, to be held by the service of three knights, and apparently reckoned at about ten fees. Thus the Tricha-ced would appear to have been loosely reckoned at twenty knight's-fees, to be held by the service of a feudal barony, an estimate, however, that only gives an approach to the actual amount of land in such a district. The manner in which the knight's-fee was often estimated, at this time, in Ireland, may be gathered from the following entry:—"The land of Coillach, with its pertinents, *for* xx lbs., to be held in barony by the archbishop"—the valuation of Coillach having evidently been made without much regard to its actual extent, and the larger district may be supposed to have been treated in a similar manner.

[1] *Dugdale Mon.*, vol. vi. p. 1137. *Rot. Chart. in Turri* (Hardy), pp. 19, 77, 79, 172, 173. Strictly speaking, *Tuath* seems to have been the word applicable to "a country," and it was used in a much more vague and wider sense than *Duthaid*, which was probably the "subdivision known as Tuogh or Cinament" of Ware (*Harris*), vol. ii. p. 226. As the cantred seems to have been reckoned as a barony, so the kingdom seems to have been placed upon the footing of an earldom. Richard de Burgh, for instance, received a confirmation, on the 15th September 1215, of "all the lands his father William held of us in Connaught, for the annual sum of 300 marcs, saving the right to crusaders's compositions in Connaught, and our castle and cantred of Athlone, and saving to Geoffry de Constantin the cantred he received in exchange for it." On the same day a charter was given "to the king of Connaught, of all his land of Connaught, saving the right of disseisin without the judgment of our court, and saving the pleas of the crown, and our castle and cantred of Athlone," for a similar annual sum of 300 marcs, which in each case seems to answer to the 300 lbs. annually paid by the Londoners for the county of Middlesex (*Rot. Chart.*, p. 219).

Teviotdale in Scotland had its *vicecomes*, and accordingly was reckoned as a lesser shire, or thanage, of twelve vills, liable to the ordinary obligations of such a district, but it may be doubted if the valley was ever very accurately measured before it was made over to the superintendence of the thane or reeve.[1]

Grants in knight's-fee appear to have been often made in Ireland, in the reign of John, for a third of the usual service. Thus ten fees were given to Thomas Fitz Maurice for the service of three knights and a third; William de Naas, Lambekin Fitz William "our sergeant," and Geoffrey Fitz Robert, received five fees respectively, each grant to be held by the service of a knight and two-thirds; whilst John de Gray and Walter Cross held three fees respectively for the service of a knight; and Robert Serjeant a fee for the third of a similar service. Towards the latter part of the same reign, indeed, grants were made upon a still more liberal scale, Geoffrey de Marisco receiving ten fees, Thomas de Galloway twenty, and Philip Prendergast and Robert Fitz Martin gifts of forty fees, for one, two, and four knights respectively; or for only a tenth of the usual amount of service. The reason for this course will probably be found in the character of the English invasion, which was not unlike the occupation of the Roman provinces by the Burgundians and Visigoths, who always left a third of the land in the hands of the original proprietary, or occupants of the soil. It was not the object of the English kings to exterminate the Irish—unless they resisted; and accordingly, in the early grants to their own followers, who were to form the garrison of the island, room seems to have been left for the proprietary and occupants of the land, who were necessary, so to say, for the support of the garrison. A somewhat similar guiding principle seems traceable in the gift of the lordship of Connaught to De Burgh, and of the earldom of Ulster to De Lacy; for Hy Many and Ulidia, the territories actually bestowed in either case, were dependent kingdoms, and not integral portions of the dominions of the kings of Connaught and Northern Ireland. In Hy Many, for instance, or O'Kelly's country, we are told, in reference to an earlier epoch, that "it is the guarantee of the

[1] *Rot. Chart. in Turri* (Hardy), pp. 78, 194, 172, 19, 20, 28, 30. The original grants made by Henry II., according to Hoveden (Saville, p. 567), were Meath for the service of 100 knights, and the kingdoms of Cork (Desmond), and of Limerick (Thomond), for the service of 60 knights respectively, a cantred in each case being retained by the king—the *Ostmen's* cantred, as may be seen from the Rolls. The district of Fingal was probably the Ostmen's cantred of Dublin. Forty carucates were held in burgage by the citizens of Limerick—a similar amount to the "forty-hides" given to the last abbot of Glendalough—and the Ostmen were probably the original burgesses of the Anglo-Irish period. The citizens of Dublin received a charter from John, giving them various immunities "within the Hundred of the Vill," with "all the rights and privileges of the burgesses of Bristol," amongst others, to hold their lands within the walls in free burgage "scilicet per servitium *landgabuli* quod reddunt infra muros." —*Rot. Chart. in Turri*, pp. 78, 79, 211. Thus Land-gavel and the Hundred found their way into Ireland, and after the lapse of a certain number of generations, the influence of English institutions is very perceptible, even amongst the native Irish. Land-gavel developed into the Antiquus census, and the annual shilling paid from every carucate; the carucate itself, and the Tricha-ced in Connaught, closely resembling the hide and the Hundred in England.

king of Cashel that keeps the king of Hy Many from being overwhelmed by the Sil Muredach," or O'Connors. Between O'Kelly and O'Connor, De Burgh and the English power seem to have been interposed in the place of "the guarantee of the king of Cashel," and the same may be said of Ulidia; for as soon as the English were driven out of the earldom, the northern portion, instead of reverting to its earlier possessors, was seized upon by a branch of the Hy Nial, and subsequently known as Clannaboy. The ordinary method of dealing with an Irish proprietor, who "submitted to the course of events," may be gathered from the policy pursued towards O'Madden. When Edward Bruce invaded Ireland in 1315, O'Madden held by De Burgh, and his ultimate reward was, "that the third portion of his province should be under the control of him and his sons; that no *Gall maer* (or English steward) should preside over his *Gaels*, but that his maers should be over the *Gall* of the entire territory" . . . and that "Eogan (O'Madden) and his tribes should have equal nobility with the English lords." Before this time "the Gael, though a *Gabhaltach*—proprietor—was *daer;* and every Saxon, even without lands and rearing, was *saer.*" Thus was O'Madden placed upon a very similar footing with the Roman in ancient Gaul, who retained a third of his land, and ranked upon an equality with the Burgundian intruder. In the position which he held towards his maers, who were "over the Gall of *the entire territory,*" as well as over the Gaels, he resembled a high-steward, or *Mormair*, acting as De Burgh's deputy in levying the dues through his subordinates, and asserting the prerogatives of the supreme overlord. This was simply the tenure of the official Jarl and the Heah-gerefa, in an earlier stage of society elsewhere, and not unlike that of the Comes amongst the Franks in his capacity of Graphio; and in the course adopted by De Burgh towards O'Madden, which was probably in accordance with a system as familiar in Ireland as in other quarters, we seem to catch a glimpse of the manner in which an Oirrigh, or subregulus of early times, may have survived, if not recalcitrant, in the capacity of a Mormair, in place of being supplanted by an alien official. Lesser personages would be contented with the subordinate position of a Mair, exercising a similar authority within a narrower district; whilst the smaller proprietors would remain upon their lands as tenants in "fee-farm."[1]

[1] *Rot. Chart. in Turri* (Hardy), pp. 19, 20, 28, 30, 80, 171, 172, 210; *Hy Many*, pp. 93, 135, 139, 141. Free tenants in fee-farm are alluded to in the charters. The Priory of St. Andrew in the Ards, for instance, founded by John de Courcy, was subsequently made over to the archbishop of Armagh, "cum dominiis, dominicis, servitiis, redditibus, tam liberorum tenentium firmarum (firmariorum) quam nativorum et betagiorum, cum nativis, betagiis, cum eorum sectis, consuetudinibus, et sequelis ejusdem cellæ, seu prioratus."—*Dugdale, Mon.*, vi. p. 1123. The three classes here alluded to, two of which passed by "adscription," would have probably been distinguished amongst the native Irish as Brugaidhs, Ceilib or Gillies, and Biataghs. The Brugaidh of the Irish period was of a certain consequence, for according to the text of the Senchus (vol. i. p. 41), he was "paid *dire* for his *cetaib*"—Ceds or Hundreds—and *dire* is explained in Cormac's Glossary to mean "a fine or compensation to nobles for their nobility." The explanation given of "Cetaib," by the commentators on the Senchus, only shows that the Brugaidh was a character of the past when they were writing, and that they knew very little about him. Keating and his followers transferred the description to the Biatagh.

VII.

Irish Land-Tenure.

In the pastoral stage of society, the principle of individual proprietorship in land seems to have been ignored, or in the language of a later age, "no estate passed" from occupancy. The traces of such a system will be found in the description left by Tacitus of the yearly distribution of the land amongst the Germans of his days, when the amount assigned annually was regulated by the numbers and importance of the community, the individual allotment corresponding in a similar manner with the rank and position of the recipient. In course of time a certain district appears to have been made over in perpetuity to every minor community or kindred, whose ordinary rights and obligations were limited by the boundaries of the territory in question; and the traditional allotment, in which the land is supposed to have been "roped out" amongst the freemen, must be generally understood in this sense. The small allodial holding, possessed in permanence, and descending to the immediate personal heirs, belongs to a somewhat different state of society; and such an inheritance in later times, as may be seen in the case of the allodial tenants in Gavelkind amongst the men of Kent, continued to be divided, and re-divided, in accordance with the principle, within narrower limits, that had once governed a similar distribution, and re-distribution, of the land in a far wider district, and amongst a much more numerous kindred.

From the names of places in the Codex Diplomaticus, as well as from the modern topography of the country, Kemble seems to have pointed out a condition of society in England, when Æscingas and Lullingas, Hæstingas and Buccingas, who have left the impress of their names in a number of different places, were kins of more or less importance, each constituting an unit in some greater confederacy. Wherever the land was the joint property of such a kindred, no portion could be transferred in permanence to any single member of the race; and hence arose the necessity for the re-distribution of the land, that usually occurred upon the death of a senior, whether the head of the smallest family, or of the whole kindred. This seniority, in the case of a kindred, was invariably decided by election, the choice being limited, under ordinary circumstances, to the leading members of the race within a certain degree of relationship, and the preference usually given to the one who was supposed to be nearest to the original stock—the principle of succession to this day in the Turkish Empire—through which a brother would be generally preferred to a son. Indeed, it was only in the middle of the tenth century, that the children of a son, who had predeceased his father, were allowed, in Germany, to have any claim upon the portion of their grand-

father's property to which their father, had he survived, would have been entitled; and the right in question was even then decided by the ordeal of battle. Long after the obligation to the state had become paramount over the tie of kindred, the principle of the earlier stage of society may be traced, under a slightly altered form, in the joint right of the heirs to property held by *Land-right*, and in the custom of choosing the member of the family upon whom the privileges and obligations of the kin were to devolve. In property held by *Læn-right*, possessions, privileges, and obligations devolved upon the eldest-born.[1]

Wherever the central power of the community grew in strength, the authority conferred upon the elect of the kindred was confirmed, and the internal regulations of the district were sanctioned, more or less nominally, by the head of the confederacy. A further change was brought about by the assumption that all authority emanated from, or was deputed by, the central power alone, and whenever such an alteration resulted from a conquest, all previous rights were abrogated; though where it merely grew out of the progress of centralization, as it were, the effects were milder, and were generally limited to a change of tenure. Thus the Nobiles of the Lex Saxonum are easily to be recognised in the three leading classes of the Sachsenspiegel, paying the same wergild as in the eighth century, most of the leading Adalings of the Old-Saxon race figuring as Fürst or Freyherr, holding by *Dienst* and *Læn-recht*, whilst the majority of the lesser Adalings retained the privileges of Schöppenbar freemen, with many of the peculiarities of the earlier tenure. Wherever the obligation of Service superseded the tie of Kindred the central power, or State, asserted its superiority over the Family, and the principles of elective seniority, and of the redistribution of the land amongst the kindred were set aside, lingering longest in the highest and lowest extremes of society. The *Senior*, chosen from amongst the kin, was gradually developed into the *Seigneur*, or overlord, who derived his authority from the State; and the proprietorship of the land was no longer assumed to be vested in the community of the district, but in the central power of the confederacy, by which the Benefice, or Læn, was granted, resumed, or confirmed, until the life-grant—originally terminable at the death of the donor, or recipient, and renewable at will—grew into an absolute property, which might be given away or bequeathed by the

[1] "Where the lord invests only one son with his father's *Lehengute*, it is *Lehen-recht;* but it is not *Land-recht* that he should retain it undivided. He apportions it amongst the kinsmen according to their rights in the division (*theilung*). Also, if a father leaves one of his sons with a separate Lehen, it is not Land-recht that he should hold this by himself after his father's death, and share in the other Lehens equally with his brothers. Though the brothers cannot compel him by Lehen-recht, it is not Landrecht; and they can cite him to Land-recht, and force him by *ortel* and *recht* to an equal partition."—*Sachsenspiegel*, Bk. i. Art. 13. An entry in Domesday (vol. i. p. 375 b.), also illustrates the system of joint tenure:—"Siward, Alnoth, Fenchil, and Aschil divided equally their father's lands, and so held them in King Edward's time that, if there was *utware*, Siward went, and his brothers gave him aid. On the next occasion, one of the brothers went, and Siward with the other two gave him aid; but Siward was the king's man." He was the Senior, either chosen by his family, or in right of birth.

owner, where it was not inherited of right by his immediate heirs. Amongst the ordinary members of the community most of the obligations, originally incumbent on the kindred, devolved upon the neighbourhood, a change best exemplified by a reference to one of the ancient customs of the burghs, by which the Guild-brethren, instead of the kindred, became responsible for the wergild. The land became the property of the landowners for the time being, and a free tenantry grew into existence, who were not necessarily connected by the tie of blood, either with their overlord, or with each other. Then the "hedged off" property, or separate *manerium*, became the distinctive mark of even the smallest freeholder, whilst the earlier principle of joint-occupancy was only retained amongst the base-tenants of the vill, the Tungreve, or land-bailiff, in the place of the elected Senior, superintending the distribution of the land amongst the *Geneats*, or base-tenants—by whatever name they may have been known—who had inherited a prescriptive right to "share." In later times, as free tenants were necessary to perpetuate the privileges of the feudal court-baron, each base-tenant, as he was enfranchised, eagerly "hedged off" the various plots of ground, for which he rendered suit and service, as free of the manor; and the numerous small enclosures, once existing in many an English county, bore testimony to the gradual conversion of the hereditary tenants by base-service into copyholders.

In Ireland, before she was made over to the Plantagenet by papal grant, in virtue of the dominion over all the islands of the globe, conceded to the see of Rome by the forged Donation of Constantine, "ellection and customary division of land," joint-occupancy and the tie of kindred were in full force. Wherever the central power was weak, in such a state of society the tie of kindred, as the sole protecting bond of the community, was necessarily strong, and in Ireland the central power, where it existed at all, was all but nominal. Greater kingdoms were divided into Tricha-ceds, which occasionally appear as smaller kingdoms, or principalities, under an Oirrigh, or subregulus. The Tricha-ced was subdivided into Duthaids, and where the land was not distributed allodially it seems to have remained in the occupancy of Daer-clans, servile or base-tenants who were not of the blood of the privileged classes. In Hy Many, for example, there are said to have been seven Tricha-ceds, seven Oirrighs, seven Flaiths, and seven principal Cowarbs, with certain Daer-clans, over whom the right of exaction was unlimited. Not that each tricha-ced was necessarily supplied with an oirrigh and a flaith. In Hy Many, for instance, there were two flaiths and an oirrigh in the tricha-ced of Callow; and in Hy Fiachrach there were three families claiming the superiority over the tricha-ced of Cearra, whilst seven *taoisigeachts* are mentioned in connection with the same district. The Flaith is missed in "the Tribes and Customs of Hy Fiachrach," and his place is supplied by the *Taoisig*, the more familiar Toshach or Captain —the Flaith of Bredach, for instance, appears in the poem of O'Dugan

as the Toshach—and a difference can be distinguished between the *Duthaid* and the *Taoisigeacht*, the allod and the captaincy. The former seems to have varied in extent from a single ballybetagh, the holding of the ordinary Brugaidh, to a number of *ceds*, but a captaincy might extend over a yet wider district in addition. The Tuath, or country, of Magh Fhiondalla, containing fifteen ballys, was the duthaid of O'Kearney, his captaincy embracing the twenty-four ballys of the termon of Balla; whilst the duthaid of O'Moran was Ard-na-riagh, his captaincy the country from thence to Tuam da Odhar. The one was an inheritance of land in the joint-occupation of the kindred, the other was an inheritance of office in the enjoyment of the elected Senior.[1]

The land of the duthaid seems to have been known as *Finetiud*, or tribe-land, which, according to the Senchus, "could not be sold or alienated, or given to pay for crimes or contracts." Each inheritance was thus a little Folkland, the Senior distributing it in benefices amongst all the joint-proprietary who had a right, through their degree of relationship, to a share in the district. As late as in 1594, the Inquest of Mallow found that the O'Callaghan was "seized of several large territories as lord and chieftain," the Tanist also holding several ploughlands in virtue of his position, whilst "every kinsman of the O'Callaghan had a parcel of land to live upon, yet no estate passed thereby." The O'Callaghan had the power of removing his kinsman from one "parcel" of land to another—they had only a right of occupancy—and certain signories and dues were payable to him from all the lands of "O'Callaghan's country." A considerable amount of the emoluments belonging to the Senior must have arisen, less from the lands in his immediate occupation, than from the seignories and duties in question, which long continued to be levied in kind, and were represented principally by a rent, or tribute, paid in stock of every description, by actual Refection, and the power of quartering kinsmen and followers upon the tenantry. The system was still existing in the seventeenth century, accustoming the Irish peasant to the payment of an all but nominal rent, whilst he was continually supplying the materials for a rude festivity, in which he probably contrived to take a share. Its effects upon the upper classes may be traced in the abundant, but somewhat riotous, hospitality of the eighteenth century, and have scarcely yet died out from amongst the lower classes even at the present day.[2]

[1] *Hy Fiachrach*, pp. 149-159, 193, etc. In the "Tribes and Customs of Hy Many," the Oirrigh is generally connected with the *Sil*, or the *Cinel;* the Flaith with the *Clan*. Thus O'Madden was Oirrigh of *Sil* Amchadha, and there was an Oirrigh of *Sil* Crimthan Cael; whilst Mac Egan was Flaith of *Clan* Dermod, and O'Donnellan Flaith of *Clan* Breasail.

[2] *Senchus Mor*, vol. ii. p. 283; *Ware* (Harris), vol. ii. p. 72. The inalienability of the joint inheritance was in no way a peculiarity of Irish tenure alone. By *Land-recht*, according to the Sachsenspeigel (Bk. i. Art. 20, 21, 33, 52), no man could alienate his real property without the consent of his heirs and the leave of the court; but he could alienate moveable property if, girt with a sword and carrying a shield, he could mount a *Ross*, or war-horse, without help, standing on a stone or stump a thumb-ell in height from the ground. The horse and the stirrup might be held. With the consent of his heirs he could alienate his property,

Under such a system the Duthaid must, in course of time, have become far too limited to meet the expansion of the kindred, and in a state of society in which an appeal could no longer be made to the sword, the family, as it increased in numbers, must have diminished in importance, as in the case of the O'Kellys, once kings, and, under English rule, captains of Hy Many. In the "Agreement between the Irish chieftains and inhabitants of Imany, called the O'Kellie's country, viz., the O'Kellie, Teige O'Kellie and Connor O'Kellie, competitors for the name of Tanistshippe of O'Kellie," and various other members of the race entitled to be parties to the agreement, it was arranged "that the captainshippe and tanistshippe of the said country . . . and all elections and Irish customary divisions of land shall be utterly extinct for ever . . . that the O'Kellie shall possess four quarters of land . . . with a chief rent out of various other lands within the said country . . . during his natural life, and after his death the said lands to be freed and discharged of the aforesaid rents." The two competitors for the tanistship were pensioned off with four quarters of land, also in permanent proprietorship, representing in each case the actual amount of land in their occupation at the time of the agreement. Thus the patrimony of the head of the whole race had dwindled into a ballybetagh, with the chief rents incidental to the position of Senior.[1]

The population more immediately connected with the land may be separated, in Ireland as elsewhere, into the farming and the labouring classes. To the former, in an agricultural state of society, belonged the *Mansuarius*, or householder, whether free to "go where he willed," either with or without his land—or servile, and bound to the property on which he had inherited a right to dwell and share. The labourer was invariably a serf, in his original position, and as he grew into freedom, was usually

without the leave of the Richter, if he kept a half-hufe, or a hoffstadt in which there was room for a waggon to turn, so that the Richter preserved his rights. No man, who was not of *Rittersarth*—Ritter's kin—could give his wife a *morgen-gift* without consulting his heirs. He could only give her his best horse—the gift of the days of Tacitus—or his best beast; but with the consent of his heirs, if they were dwelling within the Gericht in which the gift was situated, and it was within the König's ban, he could give his wife *morgengabe*. The father was the heir of the childless man; if fatherless, the mother before sisters and brothers. Where there were no sisters or brothers, all the near kin shared alike without distinction between male and female, and such inheritances were called by the Saxons *Gahn erben* (Art. 17). *Conquest*, or acquired property, might be given or bequeathed at will, but it would then become *erbe*, and be governed by the rules of Land-right. The modern theory that an inheritance of this description was an actual property, separately divisible amongst the heirs, and again subdivided separately amongst their heirs, so as to form a number of distinct little properties, is quite erroneous. Each joint-inheritance was a little Folkland, passing by the rules of Folkland. The Schöppenbar freeman, for instance, was bound to hold at least three hufen, which must necessarily have been a joint-inheritance, or the majority of the class would have soon become disqualified. The house of the Kentish Gaveller was not divided, but jointly occupied by his heirs, and though the hearth and forty feet around it belonged to the youngest son, he could not *sell* it—it was not his absolute property. Hence the felony of any one member of such a family did not forfeit the property belonging to him which, being a joint, and not an absolute, property, reverted to the others.

[1] *Hy Many*, p. 18.

planted on the land with a *cot*, and a small plot of land, in return for the work he performed. The *Accola*, or alien unconnected with the district in which he was located, and removable at the will of the lord, might belong to either class, but was necessarily a freeman as long as he retained the power of removal. The farming class in Ireland was represented by the *grasmannus*, or stock-farmer, rather than by the husbandman, and the equivalent of the *adscriptus glebæ* was *adscriptus personæ domini*. It may be gathered from Cormac's Glossary, under the word *Aicillne*, supposed to be derived from *auco* and *gillne*, that "when a man gave a *set taurclotha*—or returnable cattle—to another . . . it is meet (*auco*) for him afterwards to yield servitude (*gillne*) to that man, and to receive cows from him, according to the custom of chieftainry (*airchenda*). Though he desires to receive cows from another, he cannot." Thus he became adscriptus personæ domini, without any claim upon the soil beyond a right of pasturage for the stock committed to his charge, a right which must have either ceased with the resignation of the stock, or grown into a hereditary claim of occupancy in the district, and of acting as a sort of hereditary stock-farmer upon the lord's property. The *aicillne* of the Glossary, which may be rendered "customary service," is treated of in the Senchus under the head of "Cain aigillne occus giallna," or the "Law of customary service and securities," explained by a commentator by the words *Daer rath*, which seem to mean "base hiring." It was the "stock-tenure" of the *Daer Ceili*, or Gillie holding by base service, the "Cain tsaor-raith," or "Law of free hiring," relating to the *Saor Ceili*, who, upon receiving cattle in this manner from his Flaith, or overlord, was bound to "manual labour and *ureirge*." The free gillie could give up his stock "if he was weary of it"—he could "go where he willed," but not "with his stock"—and he could always separate from an "external," but not from a "native-born" overlord. The customary tenants upon church-lands seem to have been known as *Manachs*, also divided into saer and daer—the monk appears as a herdsman in Alfred's Laws—and resembling the *Scolocs* of Scotland, whilst Fuiders, Bothachs, and Sencleith are also met with in the Senchus. The Fuider was the *accola*, or alien; the Bothach, from his name of *Bothy*-man, may be supposed to have been the labourer with a cot; and both seem to have been numbered amongst the daer class, for they are placed upon a footing with the foster-child during his fosterage, the pupil in his pupillage, or in the position of the Læt and Libertus of the continental codes. The Sencleith probably once belonged to the mysterious class that figures in the Sachsenspiegel as the *Lassen*, a class that, in a certain stage of society, stood out, as it were, and were divided from the dominant race by the broad barrier of caste. Their separate existence, however, grew by degrees into a matter of tradition, as they gradually but imperceptibly blended with the alien, the unfortunate, or the criminal, who became attached more immediately to the soil. They contributed, in reality, a more important element to the general population than is usually

admitted, though none confessed to a connection with them; for what German has ever avowed a descent from the Lassen, what Irishman from the Firbolg? Nor are the Scot and the Englishman in any way free from a similar peculiarity.[1]

There is nothing in the condition of the Irish Gillie to distinguish him from an ordinary member of the villeinage amongst any other people in a pastoral state of society. The English Gebur received seed for about two-thirds of the arable land committed to his charge, with a small amount of stock, and "all that he has is his lord's." The Irish Gillie received neither seed nor arable land, but a larger amount of stock, and all that he had was equally the property of his lord. His right, when he acquired or inherited it, was a right of pasturage, and his obligations were those of the herdsmen, rather than of the husbandman. In the *Steel-bow* of Scotland, and its equivalent, the *Ferreum pecus*, occasionally met with in Latin documents, may be traced the principle of the early system of stock-tenure applied to arable land. On the conversion of the davoch into the ploughgate, the *carucata boum* into the *carucata terræ*, when the herdsman first became a husbandman, he was necessarily supplied with plough, and yoke, and harrow; and the name of *pecus*, or *bu*, continued to be applied to the "dead," as well as to the "live stock"—railways have recently familiarized us with "rolling stock." The Chronicler of Lanercost, in the anecdote he relates of Alan Durward, describes an agricultural class in Scotland, in the thirteenth century, holding by a tenancy renewable from year to year, at the will of the lord; a class differing essentially from the tenants in fee-farm in the thanages, freeholders whose rights were acknowledged in many of the early Scottish charters. The directions in the enactment of Alexander II., in 1214, apply to a class of the former description, bidding them remain in the localities they occupied during the previous year, and take land and cultivate it for the benefit of their lords; thus converting the "customary service" of stock-tenure into the obligations incumbent upon the holding of arable land. Wherever the ploughgate is traceable in northern Scotland the use of the agricultural measurement seems to mark the enforcement of this enactment, incidentally pointing out the limits within which the power of the Scottish sovereign was paramount in the thirteenth century; just as the absence of the territorial division of the Hundred in the lands lying beyond the

[1] *Senchus Mor*, vol. ii. pp. 52, 53, 195, 223, 289, 345. *Ureirge* is translated "homage." But homage was tendered for "gentle service," and the Irish word must mean something very different, as it was connected with "manual labour." *Ceilib*, again, is translated "vassals;" but *Ceile De* would be rendered *Servus* Dei in Latin, and God's *theow* in old English. The Gillie is to this day a servant, not a vassal. One of the five invalid contracts was that of the *mna* (woman) without her *Ceili*, where the word is used in the same sense as *Cœrl*, for husband. Daer is opposed to Saer in the sense of base or servile rather than of unfree, and the daer gillie seems to have been the equivalent of the adscriptus glebæ, who was free, up to a certain point, within the manor to which he was "inborn." A clue to the meaning of *urcirge* may perhaps be gathered from the *amas urergi* of p. 24, who seems to have been a domestic servant. The *amas* was the free follower, generally a military retainer; the *amas urergi* may have answered to the *esne*, or *metsung-man;* the *schalch*, who has left his mark upon mare*schal*, sene*schal*.

Tees, in spite of the enactment of Edgar upon the subject, tells of the weakness of the royal authority in England, beyond that river, before the Conquest.[1]

In many of the early charters, both in England and Scotland, and especially in those connected with church-lands, the amount of produce required from the manor, or farm, is carefully laid down; and a right of pannage, or of pasturage, for a certain number of animals is also frequently entered in such documents. The adscriptus glebæ, bound to supply his portion of the produce required from the property to which he was attached, grew in course of time, through enfranchisement, into the owner of the land, "by copy of the court-roll," for which his customary service was rendered. But no claim upon the soil, or upon the wood, could accrue from the right of pasturage, or of pannage; and stock-tenure, at the utmost, could only grow into a right of occupancy, with a hereditary claim to pasturage, such as the commoners of many an English manor enjoyed. Under a system by which no estate passed amongst the upper classes, through the customary division of the land, no estate could be acquired by the peasantry, whose sole "adscription" was to the person rather than to the property of the lord. This personal adscription to the overlord is the real source of the feeling, naturally engendered in such a state of society, that is sometimes described as "clannish"—though somewhat erroneously, for the hereditary gillie was only "the native-man and kindly tenant," making no pretensions to be a member of the clan, or to be connected by the tie of blood with the privileged kindred of the district. Accordingly, in the course of a generation or two, he attached himself as closely to an Anglo-Irish overlord as to a *Flaith* of native race; for nationality, in the sense in which it is at present understood, had no existence in a state of society in which the feeling out of which it subsequently arose was limited to the kindred and the district. The bond of kindred, the election of the senior, the division of the land, and the mutual obligations between the overlord and his native-man, were all equally ignored by the principles of modern law; but though the O'Kelly, and the O'Callaghan, and other "Captains" and their kinsmen received compensation upon the abolition of the earlier system, becoming proprietors in permanence of certain portions of their tribe-land, no such compensation fell to the lot of the native-men. The novel law, in releasing the gillie from his customary service, equally released the overlord from his customary obligations, acknowledging neither the one nor the other as legally binding; but the recollection of the earlier system, as far as it

[1] *Chron. Lan.* 1267; (*Scotland under her early Kings*, vol. ii. p. 77); *Stat. Alex. II.* i.—"Agriculturæ terræ Albaniæ non dantur, sicut alibi, locationi perpetuæ, sed annuatim renovent pacta, aut aggravant firmas," are the words of the chronicler, who probably uses *Albania* for northern Scotland, in which quarter the farm tenantry, as a class, would appear to have been adscripti personæ domini, rather than adscripti glebæ. It must not be supposed, from contrasting an agricultural with a pastoral state of society, that the one necessarily ignored the other; but the pastoral state was characterized by the *Haker-hufe*, so to say, rather than by the *Dorf-hufe*—by the hoe, or spade, rather than by the plough, at any rate amongst the class of Gillies, or native-men.

affected his immediate ancestry, seems still to linger in the mind of the Irish peasant, though he has, not unnaturally, confounded the occupation with the ownership of the land, and is encouraged to look upon himself as the descendant of the original proprietor, rather than as the representative of the native-man, or gillie.[1]

VIII.

The Toshach and the Thane.

Election, division of lands, and other early customs, once widely prevalent amongst Teutonic and Slavonic races, as well as Celtic, and even now more or less traceable amongst some of the people of Eastern Europe, lingered in Ireland until the opening of the seventeenth century; not because of the Celtic origin of the people, but from the chronic weakness of the central power, the true cause of many of the peculiarities, and of most of the evils, of that country. Every distinction between the Righ, the Oirrigh, and the Flaith of early days, was merged, in course of time during the Anglo-Irish period, in the Captain, or Toshach, a character belonging to the state of society in which the sovereign authority was content with confirming the choice of the kindred, and making him responsible for his district. The Irish Captain, elected as of old by his immediate kinsmen, paid a certain number of cows as a fine, or fee, apparently, for the official confirmation of his appointment, and was accountable for the annual tax levied upon his district, at the rate, in ordinary cases, at least in the sixteenth century, of an Irish shilling from every carucate. In addition to the share of the Duthaid, or tribe-land, belonging to him in right of his seniority, he was in the enjoyment of certain seignories and dues, evidently in commutation of the rents and services, originally paid in kind, to the senior of the race. In the charter

[1] The personal attachment of the Native men to their overlord, without reference to race, is also noticeable in Scotland wherever the earlier system retained its hold upon the remoter districts, the "kindly tenant" attaching himself as readily to a Fraser as a Chisholm, of Norman origin, as to a Macintosh or a Mackenzie. This is sometimes attributed to "Celtic race," but I confess to being sceptical about the accuracy of this explanation. The Anglo-Irish, who were generally of Norman descent, became Hibernis Hiberniores, and there were features in the Irish system that may not have been without attraction. The Anglo-Irishman held his land by knight-service, or as a permanent indivisible inheritance, and by preserving the earlier system in his relations with his dependants, without alienating an acre of ground, he secured a tenantry upon whom he could quarter his followers almost at will, whilst they became united to him by the bond of self-interest. There was no personal tie between the adscriptus glebæ and his overlord, such as may have existed between the free-tenant and the lord he followed to the wars; but the adscriptus personæ was naturally interested in the lord in whose retention of the land consisted his own title to remain upon it. Fosterage again may have had its attractions, as the foster-child shared in the property of the foster-parent.

of confirmation given by John to the King of Connaught, the rights of disseissin, and the pleas of the crown, were expressly reserved; and the Irish Captain may be supposed to have been made responsible, under similar reservations, for the peace of his district, and for the punctual payment of the annual tax levied upon it, thus filling a position not unlike that which O'Madden held under De Burgh, as Chief Administrator or Mair.[1]

The Captain is equally traceable in Scotland, as well as in Ireland; nor, indeed, was he confined to those countries alone, for he was merely one of the equivalents of the early Dux or Heretoga—the *Elder-man*, or Senior, within a narrower district than a province; but in Scotland particularly may his progress be traced until he lost the last vestiges of his official character, and ceased to be distinguishable from other landed proprietors. In the Charter of Kells, already quoted elsewhere, three leading characters assisted at the enfranchisement of Ard Breacan, the kings of Ireland, of Meath, and of the Cinel Leogaire, seniors respectively of the supreme and the provincial kingdoms, and of the actual district in which the property was situated. Similar notices abound in the Book of Deer, relating to the Church-lands of the Abbey of that name, once existing in the Scottish province of Buchan; and it will be found that the gift, or the enfranchisement, was generally made with the concurrence, either jointly or separately, of three leading personages, the king, the mormair, and the toshach, the seniors respectively of the kingdom, the province, and the district in which the property was situated, though standing in a somewhat different relationship towards each other.[2] Rights over land, rather than the land itself, then and long afterwards, constituted one of the main sources of revenue, and though a gift of land might be made free of all claims, an enfranchisement, to be complete, required the concurrence of all who had claims over the land in question. So, when the abbot and convent of Breedon purchased the freedom of their lands from certain customary obligations in 848, Humbert "princeps Tonsetorum," in return for a gift from the same community,

[1] Colton's *Visitation*, p. 8; *Hy Many*. p. 18, 148; *Ware* (Harris), vol. ii. p. 72.

[2] In the *Book of Deer*, p. 92, for instance, we meet with *cuit mormoir*, *cuit toiseg*, and *cuit riig*, or the respective "shares" of mormair, toshach, and king. "Freedom from mormair and toshach" seems to have been the usual form of franchise, as Mr. Stuart has abundantly shown in his able preface, sec. iv. So in the resignations of *Gualoer*, or the droit d'aubaine, mentioned above at p. 129, the Count and his deputy must have resigned their respective claims before the right was vested in the actual holder of the land. Such claimants were, occasionally, very numerous. In the twelfth century, for instance, when the Commune of Amiens won their enfranchisement with the assistance of Louis le Gros, the jurisdiction over the city of Amiens was divided, in their first charter of privileges, between the Maire and Echevins, and the *Prepositus dominorum*, or the Prévôt appointed by the "Quatre Seigneurs"—the Bishop, the Count, the Vidame, and the Châtelain—who received a portion of all the fines, representing the respective "shares" of his four masters. *Mon. de l'Hist. du Tiers Etat*, vol. i. p. 40, 41. The Châtelain was *nominally* the representative of the royal authority, against which he fought on this occasion. In short, as the weakness of the central power in Ireland is revealed in the retention of the title of *king* by quasi-subordinate characters, so was it displayed at this time, in France, by the assumption of all but sovereign rights by personages who still retained the titles of royal or ecclesiastical officials.

obtained from King Berhtulf and the Mercian Witan their freedom "ab omnibus causis, magnis vel modicis, notis ac ignotis, quæ mihi aut principibus Tonsetorum unquam ante ea pertinebant." The concurrence of the senior of the district was necessary to render the enfranchisement in every way complete, for neither the king nor the witan could have abrogated his privileges, though their consent was necessary to confirm his gift of freedom. Thus the "principes Tonsetorum" must have continued for some time to exercise a hereditary, but subordinate, jurisdiction over the district of the Tonsetas under the Mercian kings, as seniors, or captains, confirmed by the royal authority; and in a very similar manner the progress of the Hwiccas may be traced from an independent to a dependent kingdom, and from a hereditary province to an official ealdordom; such characters as the "principes Tonsetorum" belonging to the period of hereditary dependency. Southumbrian England passed out of this condition of society before Northumbrian, the South country before the Midland; but its traces are few and faint in England, for we are most familiar with the institutions of the south country. Ireland in the twelfth century was scarcely entering upon a phase of society that was fast passing away in north-eastern Scotland, but which lingered in the western districts of Galloway and Carrick until the ordinance of Edward in 1305 did away with "l'usage de Scots et de Brets." The Laws of King David, with the amendments and additions of other kings, were ordered to be "rehercez,"—a mandate to which we probably owe their preservation, and their subsequent translation into the vernacular—all laws and usages "contrary to God and to reason" were prohibited, and from the date of this enactment the customary usage of earlier times ceased to be acknowledged by the law of Scotland.[1]

In the notices of past events, entered in the Book of Deer, the Toshach is found in Buchan, whilst the Thane appears in the early charters connected with the province of Moray, and is also traceable in Ross. Similar in most respects, for the captaincy and the mairship would appear to have been often united in the same person, they belonged, strictly speaking, to a somewhat different state of society—the Toshach resembling the Irish captain, or the Elect of the kindred confirmed in his authority by the sovereign, whilst the Thane was essentially a royal official, appointed by the Crown, and if hereditary holding by charter. Tenure by charter superseded the earlier system in Scotland, and much

[1] Kell's *Chart.* vi. *I. A. Miscell.* p. 143; *Cod. Dip.* cclxi.; *Act. Parl. Scot.* vol. i. p. 16. The nearest approach in Ireland to the condition of society alluded to will be found in the Charter of Newry, granted in 1150 by Maurice M'Loghlen, king of all Ireland "voluntate et communi concessione magnatum Ultoniæ, et Ergalliæ, et de Oveach," that is to say, the king of Airgiall, and his son the king of "Oineth and Tricased Erther," the king of Ulidia, and the king of Iveagh. Amongst the signatures will be found those of the archbishop of Armagh and the bishops of Airgiall, Tyrone, Tyrconal, and Ulidia: of the kings of Hy Tuirtre, Fermanagh, and "Fearnacrim;" of the "Magnus dux de Clan Engusa," the "dux Claneda of Iveagh of Uladh," and the duces of "Kenelfogarty" and "Kyneltemnean," with the Herenaghs of Down, Dromamore, and "Secumscray." *Dug. Mon.* vol. vi. p. 1133. The *duces* were probably known as *toshachs* in their own language.

as the Saxon Adaling became a Freyherr by exchanging his earlier tenure for *Dienst*, so may the Toshach have been converted into a Thane by resigning his elective seniority, and accepting it from the sovereign as a gift by charter of the Crown. Similar changes were familiar amongst the Germans in the thirteenth century, a clause in the Sachsenspiegel providing expressly for the case of a man who resigned his property to a Herr, and received it back as a *lehen;* a simple change of tenure, or transfer, by which the land became a hereditary benefice, and passed by *Lehen-recht* instead of by *Land-recht.* It was the old conversion of the *Leud* into the Antrustion, the Gesithcundman into the King's-thegn. Thanes of course might be appointed without any reference to their previous connection with their thanage, but wherever the change was brought about by peaceful means, the original thane was often, probably, a toshach holding by charter. Wherever the ploughgate and the shire, or thanage, are traceable in Scotland, it may be assumed that the power of the sovereign was sufficiently established to set aside the predominance of the family tie, and before the close of the thirteenth century the thane and the visnet would have been found wherever there was the shire. The official in the Scottish shire was no longer the Elect of the kindred, but held his office by charter of the Crown, and it passed, if hereditary, to his immediate descendants. His district was no longer the territory over which his personal influence, as Senior, extended, for the limits of the thanage were regulated by the principle of the visnet, rather than by the extent of the kindred, or the tie of blood.[1]

The old customary law seems to have lingered in western Scotland until it was abolished by Edward, and amongst the enactments of Robert Bruce is a statute establishing the visnet in Galloway. From the time of the pacification of the province in the reign of William, when the lordship was conferred upon Uchtred's son Roland, and his kinsman Duncan was compensated with the earldom of Carrick, Galloway seems to have been in a position not unlike that of Connaught under John. As the royal mairs exacted the kane by the king's writ, and the fine for a breach of the king's peace was settled by the *Judices* of the province, the pleas of the Crown would appear to have been reserved, as in the case of the Irish kingdom, whilst, with this exception, the authority of Roland and his house was apparently supreme. The absence of the visnet, however, and the presence of the captain, are sure signs that in Galloway the thane and the shire were ignored, and that the family tie still remained predominant. The earldom of Carrick must have exhibited a very similar condition of society in the thirteenth century, when Earl Nigel, upon the marriage of his daughter and sole heiress, settled by charter upon Roland of Carrick and his heirs the captaincy—"capud totius progenie suæ"—with all the rights and privileges belonging to "Kencynoll," together with the office of Baillie of the earldom, and "the leading of the men thereof." Here the separate duties and prerogatives

[1] *Sachsenspieg.*, Bk. i. Art. 33. For Thanes, compare *Scotland under her Early Kings*, Ap. N.

of the toshach and thane—the ealderman and gerefa, the captain and the baillie—were united in the same person, and granted by charter, to pass hereditarily to his immediate descendants; a course that would appear to have been occasionally followed in other quarters as well as in Carrick. Accordingly the earlier system disappeared in Carrick as imperceptibly as in the sheriffdoms along the north-eastern coasts; the original proprietary was little disturbed, and the prevalence of the name of Kennedy in the district passed, in course of time, into a familiar proverb. It was otherwise in Galloway, where, upon the death of Roland's son, Alan, the feudal law came into collision with the earlier custom of the country. Besides his three daughters the deceased magnate left a son, Thomas of Galloway, who had married a daughter of Ronald, king of Man, about ten years before his father's death. Thomas was the issue, apparently, of a handfast connection, or of a marriage that the Church in those days ignored; but as the division of the lordship between the heiresses would not have been in accordance with the custom of the country, the Galwegians, or a portion of them, chose to regard him as legitimate, and seem to have besought the king to pronounce the lordship an indivisible fief, and bestow it upon Thomas as the Elect of the kindred. So, in the following generation, whilst Balliol pleaded the indivisibility of Scotland, as a kingdom, Hastings assumed that, as a feudal fief of the English Crown, it had fallen into abeyance between the heiresses of Earl David, and was divisible in the same manner as his earldom of Huntingdon. As it suited best with the policy of Alexander to maintain the supremacy of feudal law, the partisans of Thomas rebelled; and partly in consequence of this rebellion, partly perhaps to counterbalance the influence of the house of Balliol in this quarter, when Bruce made over the lordship to his most prominent supporter, James Douglas, barons and knights were planted in the land, much in the same way as Moray was colonized some two centuries before; and many a family, unconnected previously with the province, found a home in Galloway.[1]

The Shire, the Thane, and the Visnet will be found in Lothian, the captain is traceable in Galloway and Carrick, but over the state of Scottish Cumbria rests a shadow all but impenetrable. A mixed population, living in a state of anarchy, is all that is revealed by the Inquest of David; whilst Cornage continued to be the sole tenure throughout English Cumberland in the thirteenth century, and the sole service exacted from the Cumbrians was to guide an advancing army into Scotland, and to protect the rear on its return. When David granted Annandale to Robert Bruce for the purposes of the chase, as "a forest," he gave him all the land lying eastward of the vale of Nith—the property of Dungal, Randolph's ancestor—up to the boundaries of Ranulf le Meschin, when he held the sheriffdom of Carlisle. But who will define the boundaries of Ranulf le Meschin, or the limits of the original sheriffdom of Carlisle? When David addressed his mandates to his thanes

[1] *Leg. Will.* 22; *Scotland, etc.*, vol. i. pp. 241, 390; vol. ii. pp. 25–28.

and drengs of Lothian and *Teviotdale*, he must have looked upon the vale of Teviot as a portion of his Cumbrian province. His father Malcolm held all Cumberland by force, and when Rufus drove out Dolfin, restored Carlisle, called the sheriffdom into existence, and, committing it to the charge of Ranulf le Meschin, issued his directions to "all his men of the sheriffdom of Carlisle, and all beyond the Leader," did the English king look upon that river as the boundary between his new sheriffdom and the March of Lothian? Generations passed away before the frontier between the two kingdoms was settled by mutual agreement in the thirteenth century, and by that time all the valleys lying eastward of Annandale, and to the west and south of Lothian and the vale of Clyde, had long been permanently connected with the northern kingdom—partly owing, perhaps, to the lengthened occupation of Carlisle and the northern counties by David—but at the close of the eleventh century, the greater part of this wild district was a veritable debatable land.

The thane died out in Scotland in the course of the fourteenth century, and he was never called into existence in Ireland, where the captain continued to be a recognised character in the reign of Elizabeth, though he had long ceased to have any real counterpart in Scotland. Charters of captaincy, indeed, may have been granted occasionally to some of the Highland lairds, but neither the elective seniority nor the division of the land was recognised by the law of Scotland. The relations between the greater chiefs and the sovereign, as soon as they were brought into closer contact with him, were regulated by that law alone; and though early custom may have held its ground in remote and inaccessible districts, and amongst medial tenants and the dependent classes, the "custom of the manor," as it may be called, regulating the relations between a Highland proprietor and his gillies, must not be confounded with the ancient "custom of the country," the original *Land-recht* of the greater portion of the kingdom.

CHAPTERS OF ENGLISH HISTORY BEFORE THE CONQUEST.

I.

The King's Wife.

Æthelwulf, the West Saxon, upon his return from Rome, was married to Judith, the daughter of Charles the Bald, at the court of her father at Worms. The bride, who must have been a mere child, was crowned with a diadem, placed upon a throne, and saluted as Queen by Archbishop Hincmar; novel and unusual ceremonies in the eyes of the West-Saxon king and his people, according to Prudentius, the contemporary bishop of Troyes, who has left an account of the marriage in the annals of St. Bertin. Upon the return of Æthelwulf to England, writes Asser, he placed his childish queen upon a throne by the side of his own, and Judith, during the brief remainder of his reign, continued to enjoy the usual privileges of a queen-consort "contrary to the perverse custom of that race; for the West Saxons suffer no queen to sit upon a throne by the king, nor even to be called queen, but only the king's wife." It seems to have been otherwise in Wessex in earlier days, for Sexburgh, a queen, reigned alone after her husband's death; the signature of Beorhtric's queen, Eadburgh, is appended to an Abingdon charter—if it can be trusted—and in the other English kingdoms the queen participated, up to a certain point, in the royal authority. Her name, for instance, appears in the Mercian charters from the time of Offa with the epithet of *Regina*, and the consent of Alfred's daughter seems to have been almost as necessary to confirm a grant of land as that of her husband, the Ealderman. The origin of "the perverse and detestable custom that prevails in Saxony, contrary to the usage of all other people, at least of Teutonic race," is ascribed by Alfred—who told the story to Asser as he had heard it from the lips of men living at the time the events occurred—to the misdeeds of Offa's daughter, Eadburgh. She used for the worst of purposes the unbounded influence she had obtained over her husband, Beorhtric; and where her influence failed, had recourse to poison. For thirteen years she shared the throne of Wessex until the poison, intended for another, destroyed the king, when she was driven with execration from the land; and after forfeiting, through her dissolute

conduct, the protection of Charlemagne, who had placed a nun-minster at the disposal of the daughter of his ancient ally, she died miserably at Pavia, begging her bread in the streets of the capital of Italy. It was upon the accession of Egbert, therefore, that the West-Saxon nobles swore to drive from the throne any of their future kings who should place a queen by his side; and in consequence of this resolution, apparently, the English language to this day ignores the existence of any word answering to *Regina*, *Reine*, or *Königin*, expressing a female sovereign. *Cwen*, like the French word *femme*, may mean either woman or wife; and the title of the highest lady in the land is literally "the wife"—the earlier title in full, "the king's wife."[1]

Judith appears to have been the solitary exception to "the perverse custom," from the time of Beorhtric and Eadburgh until the latter part of the tenth century. She signs a charter as *Regina* in 858, and the next authentic signature to which the title is annexed is that of Ælfthryth in Edgar's reign. Ealswyth, the wife of Alfred, never attests a charter in her husband's reign, nor are the two queens of Edward, Ælfled and Eadgyfu, ever mentioned under that title in the charters of the great king's son. Athelstan was never married; his half-brother Edmund had two queens—Ælfgyfu, the mother of Edwy and Edgar, whose death is placed by Æthelwerd in 944, and Æthelfled, known as Æthelfled at-Domerham, perhaps from her morgen-gift—but their signatures with the addition of *Regina* are never appended to any of his charters. Edred, a weak and sickly prince, died, like his great half-brother, unmarried; but Eadgyfu, the widow of Edward, during the reigns of both of her younger sons, was a constant attendant at the Court, affixing her signature to numerous charters as "the king's mother." Thus the real influence of the queen commenced with her widowhood—as in Turkey at the present day, though for a different reason—and in guarding against the dangers of a queen-consort, the prejudices of the men of Wessex opened the door to the influence of a queen-mother, an influence that is very perceptible in the history of this period. Eadgyfu was evidently a personage of considerable importance during the reigns of both of her sons, more especially in that of Edred, and she seems to have been an early patroness of her younger son's contemporary, Dunstan, who makes his first *historical* appearance in this reign. She was of a Kentish family, a daughter of the Sighelm, who is addressed by Alfred, in one of his charters, as Dux or Ealderman, and a near kinswoman of Bertsige

[1] *An. St. Bert.*, 856; *Asser.* "A priest's *cwene* is a snare of the devil," wrote Abbot Ælfric, meaning a wife. As the parents of Judith were married in December 942, and her brother Charles was appointed to the kingdom of Aquitaine in 955, when he was probably "of age," or twelve years old, she was scarcely older in the following year (*An. St. Bert.*, 842, 855). Osgearn, the queen of the Northumbrian Alcred, wrote a joint letter with her husband to Archbishop Lullo of Mayence between 768-774 (*Wilkins* i. p. 144). Æthelswyth, the sister of Alfred, and queen of the Mercians, granted lands "with the consent of her Witan" in 868; and in the following year styles herself "Regina Anglorum." (*Cod. Dip.* ccxcviii., ccxcix. "Ego Burgred rex, et ego Æthelswyth, pari coronata stemma regali, Anglorum regina," are the expressions of the latter charter.)

Dyring. Her influence ceased with the life of her youngest son, for upon the accession of Edwy she was deprived of all her possessions. Her grandchildren, of whom the eldest was hardly more than thirteen years of age, were puppets in the hands of rival factions; and the throne of Edwy was surrounded by the leading members of the royal race, who seem to have endeavoured to perpetuate their influence by marrying the young prince, towards the close of his short reign, to a lady who appears to have been too nearly connected with him, in some way or another, in the opinion of the age. It is almost needless to add that the name of Ælfgyfu, the lady in question, is never found, with the addition of *Regina*, in any authentic document. Edgar, like his father, was twice married, first to Æthelfled, whose name is never mentioned in the charters; and secondly, in the course of 964, to Ælfthryth, in whose days certain changes seem to have been brought about.[1]

As the name of Ælfthryth, with the addition of *Regina*, is affixed to several authentic charters, some of them dated as early as 968, the West-Saxon prejudice against a queen-consort would appear to have been gradually dying out in Edgar's reign; though in all Anglo-Saxon documents in which her name occurs, she is still invariably entitled "the lady," or "the king's wife." But as Edgar only survived his coronation for two years, the position of his queen was at once changed, for she ceased to be a queen-consort, without becoming a queen-mother. Again, after a lapse of twenty years, two children were left as puppets in the hands of contending factions, though the circumstances of the young princes were widely different. It would be difficult to point out the family of Edmund's first wife, but Æthelfled at-Domerham, like her mother-in-law Eadgyfu, was highly connected; for she was the eldest daughter of Ælfgar, whose name occurs amongst the *Ministri* in the charters of his son-in-law, and who appears as *Dux* at the Court of Edred. Ælfgar, whose connection with the royal house may be supposed to have raised him to the rank of Ealderman, died before Theodred, bishop of London, whose signature is missed after 953; and as he was buried at Stoke in Suffolk, and his property was principally in that county, and in Essex, it may be safely inferred that he was Ealderman of the East Saxons, a position subsequently held by his son-in-law Brithnoth. The name of Ordgar, the father of Ælfthryth, is also found amongst the *Ministri* before his daughter's marriage, and he attested a grant of Edgar "to my wife and dearly loved Ælfthryth"—which may have been her morgen-gift—in 964, figuring in the very next charter as the junior Ealderman. As in Ælfgar's case, his connection with the royal House seems to have raised him to the position of an Ealderman, and he presided, until his death in 970, over the Western Provinces, or the counties of Dorset, Somerset, and Devon. His daughter, at the time of her marriage with

[1] *Cod. Dip.* cccxxiv., mlviii.; *Thorpe, Diplom.*, p. 201. The signature of Dunstan as abbot first appears in a charter of Edred (ccccxi.) dated in 946, and Osbern represents the king as entreating his mother to use her influence with Dunstan, "who looks up to you above all others."

the king, must have been a widow for about two years, the silent testimony of the charters refuting the story that Edgar murdered his friend in Harewood Forest in order to marry his beautiful wife. The signature of Æthelwold, Ælfthryth's first husband, Ealderman of East Anglia, and eldest son of Athelstan, the Half-king, replaces that of his father in 956, and disappears in the course of 962, in which year his brother Æthelwine first attests the royal grants as Ealderman. Thus the mother of Ethelred was apparently of the highest birth next to royalty; but who were the parents of Edward's mother?[1]

Ordmær *Dux* was the father of Edgar's first queen, according to Florence; "dux potentissimus," adds Malmesbury; for a halo of sanctity surrounded the memory of the youthful martyr, and the chroniclers of a later age honoured him, after the fashion of their time, by exalting his mother's lineage. But the charters are totally silent about Ordmær, and his name is not even found amongst the *Ministri*, though a passage in the History of Ely may serve to throw some light upon the subject. In the confusion resulting upon the death of Edgar, Ealderman Æthelwine and his brothers claimed "the forty hides" at Hatfield, asserting that their father Athelstan had received the lands in exchange for his *patrimony* in Devon—for the forty hides that formed the appanage of an Eorl in his native province. Edgar, they said, had dispossessed the family of both properties, and their claim appears to have been well founded, for the brethren of Ely bought back the land from the Ealderman. But the forty hides at Hatfield, after they were taken from the family of the Half-king, had passed through other hands before Edgar gave them to Ely, for they had been bequeathed to the king by *Ordmær and his wife Ealda.* Æthelflied, the mother of Edward, was known as *Candida*, and *Eneda;* she was "the White Duck," married for her beauty, and by the grant of forty hides, Edgar seems to have ennobled his father-in-law by bestowing upon him the appanage of an Eorl, though his birth would appear to have been insufficient to qualify him for exalted office. Edward, therefore, without powerful relatives on his mother's side, and left an orphan when little more than twelve years of age, was exactly in the position to be welcomed as king by the rival parties in the State. To secure his person, and govern the kingdom in his name; to marry him, as he grew up, to a daughter of their race, and thus perpetuate their influence—such might have been the policy of an

[1] *Cod. Dip.*, mcclii., mccclii. The wills of Ælfgar and of his two daughters will be found in *Thorpe, Diplom.*, pp. 505, 519. His signature as *Dux* first occurs in 947, and is not to be found after 951. He must not be confounded with "Ælfgar, the king's kinsman," who died in 962, and was buried at Wilton (*Chron. Sax. ad an.*) The Ealderman was buried at Stoke in Suffolk. The signature of Brithnoth first appears amongst the *Duces* in 956. *Two* Athelstans sign amongst the *Duces* in the reigns of Edmund and Edred, until the senior Athelstan disappears in 956, and is replaced by Æthelwold. A few grants, however, dated in this year, are attested by *both* the Athelstans and Æthelwold; but as all the signatures to these charters are identical, they probably represent the last appearance of the Half-king in his official capacity before assuming the cowl, when both father and son affixed their signatures amongst the Ealdermen.

Ælfhere or an Æthelwine, but not to murder him. His death could be profitable to Ælfthryth and the house of Ordgar alone, and after the failure in the attempt to question his title to the throne, his death appears to have become a mere question of time and opportunity. If ever a queen-consort sat upon the throne by Edward's side, the hopes of Ælfthryth would have been at an end, and accordingly as the young prince approached manhood—he died. Slain by domestic treachery—*a suis*, or by his own people, according to Florence—in the Western Provinces of Wessex, once ruled over by Ælfthryth's father, and in which her brother Ordulf subsequently held high command, his body was hidden away in an obscure grave, as a befitting sepulchre for a prince of doubtful right; and it was left for the Mercian Ealderman, who has been accused by some later authorities of the crime, to claim for the remains of the murdered prince the obsequies of a king. The name of Ælfthryth, after an interval of four years, again appears in the charters; her brother Ordulf takes his place amongst the leading *Ministri*, and the innovations introduced by Edgar in favour of his wife, as queen-consort, seem to have been at once ignored by his widow, as queen-mother.[1]

For twenty years Ælfthryth continued to attest the charters of her son as queen-mother, filling the position of Eadgyfu during the reigns of Edmund and Edred; and whilst the signatures of her numerous grandsons are frequently attached to the same grants, the name of their mother, the first wife of Ethelred, is never even alluded to. According to the genealogy appended to Florence she was Ælfgyfu, "comitis Agilberti filia;" though Ailred of Rievaulx calls her father Thored, whose name first appears as *Dux* in 979, when he seems to have been placed over the Northumbrians between Oslac and Ælfhelm. The name of Æthelbert will be looked for in vain, even amongst the *Ministri*, and if the genealogy of Florence is correct, it would have suited well with the policy of Ælfthryth to maintain an influence over her feeble son by marrying him to a nonentity. In the very year in which Ethelred alludes in a charter to his mother's death, or in 1002, he was united to the Norman Emma, and from the date of this alliance the queen-consort again assumed her place by the side of the king, and attested the royal grants as *Regina*. An especial Order for the unction and coronation of a queen-consort dates from this reign, and was probably used for the first time on this occasion; for it is scarcely probable that Ælfthryth permitted her daughter-in-law to be crowned. For the first time since the days of Judith a regal diadem encircled the brows of an English queen

[1] *Flor. Wig.*, 964; *Malm. Gest. Reg.*, lib. ii. sec. 159; *Hist. El.*, lib. i. cap. 5. The name of Ælfthryth reappears in 979, and is missed after 999. A charter, dated in 1002 (dccvii.) alludes to her death, and to the nunnery founded by her at Werewell. Here she is supposed to have expiated her crimes by a long and rigid penance, a story which the appearance of her name in the charters as late as 999 renders very doubtful. I cannot help thinking that the influence of Ælfthryth is traceable in the brevity with which Æthelwerd passes over the reigns of Edwy and Edgar, omitting all mention of Edward's name. Ælfthryth survived Æthelwerd, who towards the close of his life was the *Patrician*, or leading Ealderman. In this position, could he write the true history of Edward's reign while Ælfthryth lived?

—unless it may be supposed that Ælfthryth assumed a diadem at Bath —though she appears to have continued to be known as "the Lady," or "the King's Wife," until after the Norman conquest; and the title of the present sovereign of the British empire is, in its true meaning, simply "The Wife."[1]

NOTE.

THREE charters (*Cod. Dip.*, cccxxxiii., mcci., ccccix.) are deserving of a passing notice in connection with this subject. A grant of the elder Edward to Malmesbury, dated in 901, is witnessed by "Ealhswyth the king's mother, and Ælfled the king's wife," the solitary instance in which the queen-mother and the queen-consort are thus associated. The indiction is given wrongly, and the land is "freed from all secular obligations," always a suspicious addition to a grant of land. Again, an undated exchange of lands between Bishop Brithelm and Abbot Æthelwold in the reign of Edwy is attested by "Ælfgyfu the king's wife, and Æthelgyfu the mother of the king's wife," the solitary instance in which the mother of a queen-consort appears, in that character, amongst the witnesses to a charter. The names of Cenwald, bishop of Worcester, and Brithnoth *Dux*, date this exchange *before* the separation of the provinces to the north of the Thames from Edwy's kingdom in 957, for after that event the signatures of the Mercian prelates, and of the Ealderman of the East Saxons, are never attached to the grants of that king. But Edwy, a mere child at his accession, was only separated from his wife in 958, and can scarcely be supposed to have married her much before that time. The third charter is an undated grant of Edmund, witnessed by "Eadgyfu the king's mother, and Ælfgyfu the king's concubine," again the solitary instance of such a combination amongst the attesting witnesses. It professes to be a gift of three sulings at Malling to the church of Rochester, which clashes not a little with the previous grant of "Malling in perpetual free-alms," made upon a celebrated occasion by Egbert to Canterbury in 838 (ccxl.), and is also suspiciously "freed from all secular obligations." Amongst the attesting *Duces* will be found the names of Skuli and Osferth, which will be sought for in vain amongst all the numerous charters of Edmund, but will be at once recognised in some of the earlier grants of Athelstan. If the queen of Edmund, the mother of Edwy and Edgar, had ever affixed her name to one of her husband's charters, she would have hardly signed her cross to the epithet of Concubine; and this document, like the other two, seems to be of very doubtful authenticity.

[1] The following passages from the will of Athelstan the Ætheling—a son of Ethelred, who died after July 1012 (*Cod. Dip.* mccccvii.)—go far to prove the comparative obscurity of his mother. "I give to Ælfswyth, *my foster-mother*, for her great deserts, the land at Weston. . . . I now declare that all the things . . . are done for the soul of my dear father King Æthelred, and for mine, and for *Ælfthryth my grandmother's, who reared me*." Fostered by a stranger, reared by his grandmother, he seems to have scarcely known that he ever had a mother, for not even her soul is cared for in his will. *Thorpe, Diplom.*, pp. 560, 562.

II.

HANDFASTING.

A CERTAIN looseness in the marriage tie is long observable in northern Europe. According to some of the Scandinavian codes, for instance, if a woman lived with a man for a year, keeping his keys and managing his household, she was his legal wife without further ceremony. Nor was the tie so indissoluble as it afterwards became. Queen after queen must have been set aside by Charlemagne, unless he is credited with a plurality of wives; and when the beauty and illustrious descent of Matilda attracted the notice of Henry the Fowler, he seems to have first assured himself of her consent to his proposals, and then to have repudiated his first wife, Hathaburg, without further ceremony. Upon our own side of the channel, Canute, in order to secure the support of northern England, married the daughter of Ælfhelm and Wulfruna, and following the example of Henry, unhesitatingly repudiated her when he "commanded the relict of King Ethelred to be fetched for his wife." With equal alacrity the Scottish Malcolm seems to have set aside Ingebiorge in order to secure the hand of the high-born Margaret of England. Uchtred the Northumbrian was three times married. With his first wife, the daughter of Bishop Aldhun, he received certain lands of St. Cuthbert's "on condition that as long as he lived he should always retain Egfreda in honourable wedlock;" a condition pointing strongly to a certain want of permanency in the marriages of the period, against which the Bishop seems to have exhibited a laudable anxiety to protect his daughter. After his appointment to the earldom of the Anglo-Danes, Uchtred divorced Egfreda to marry Sigen, the daughter of Styr Ulfson of York, a connection that seems eventually to have cost him his life; but he repudiated the Yorkshire lady when he accepted the hand of Ælfgyfu the daughter of Ethelred. Egfreda, divorced by Uchtred, was given by her father the bishop, with her dowry, to Kilvert Ligulfson, by whom she had a daughter, Sigrida, subsequently married to three husbands in succession, with one of whom, Uchtred's son Eadulf, she was somewhat closely connected. The degrees of consanguinity, however, were not always attended to at that period. "I, Alfred, bishop, will give those five hides to Beorthwen the daughter of Wulfhelm, who was *the wife of his brother* Beorthere," says a charter dated at the close of Athelstan's reign. Repudiated by her second husband, Egfreda ended by retiring to a nunminster, but her marriages were regarded as legal, and her children as legitimate; for her descendants by Kilvert, as well as by Uchtred, subsequently claimed her dower-lands, whilst Simeon notes down all these marriages and divorces as if they were circumstances of very ordinary occurrence.[1]

[1] *Cod. Dip.*, cccIxxvi.; *Sim. de Ob. Dun.* (Twysden), pp. 79-82; *de Gestis*, 1040, 1072. Styr gave his daughter on condition that Uchtred should take up his blood-feud against Thorbrand

A marriage in the tenth century may be said to have been commenced and completed on two distinct and separate occasions,—the Wedding, and the Giving away. We now give the name of betrothal to the wedding of our forefathers, having transferred the older name and greater importance of the "desponsatio et dotatio" to the "traditio et sanctificatio," or the giving-away. The wedding was the civil contract, deriving its name from the *weds*, pledges or securities that passed between the bridegroom and the parents or guardians of the bride. The giving-away represented the final completion of the marriage, after the necessary arrangements had been concluded; and upon this occasion, according to the regulations laid down in Edmund's reign, a priest was to be present in order to sanctify the legal union by his blessing. "Si quis desponsata sibi, et tradita, utatur, conjugium vocat," wrote St. Ambrose; adding in another of his epistles, in exact accordance with the regulation of Edmund, "ipsum conjugium velamine sacerdotali et benedictione santificari oporteat." By the veil and the blessing of the priest the legal union was rendered holy. So little necessary, however, was the blessing of the priest, or the religious portion of the ceremony, to the abstract legality of the marriage, that in the case of the bigamist, or trigamist—of the person who married for the second or third time—the presence of a priest was altogether dispensed with. "A layman may for need marry a second time, but the canons forbid the benedictions thereto which are appointed to a first marriage . . . and it is forbidden to the priest to be, in the manner he ere was, at the marriage when a man marries again, or to give the benediction which belongs to a first marriage." Such is the regulation laid down in the Institutes of Polity, with which the Canons of Ælfric agree—"Nor may any priest be at the marriage when a man marries a second wife, or a woman a second husband, nor together bless them, . . . the canons forbid the blessings thereto"—the passage in the Capitularies, "neque sine benedictione sacerdotis, qui *ante innupti* erant, nubere audeant," testifying to the universality of the custom. Yet though the priest was forbidden to be present or pronounce a blessing upon such occasions, the marriage was strictly legal, and the offspring were legitimate. Not a doubt has ever been expressed about the legitimacy of Ethelred, yet if the canons were strictly construed in the time of Dunstan, no priest could have blessed the union of Edgar and Ælfthryth. As long as the dowry and the necessary *weds* therefore constituted a legal marriage, and the children of the undowered woman were illegitimate, ancient custom looked upon the wedding, or civil contract, as the more important of the two ceremonies in a strictly legal sense; and, accordingly, in one of the canons enacted in Edgar's reign, in confirmation of earlier canons upon the same subject, it is laid down that if a maiden who has been "bewedded" should be separated by any chance from her betrothed, when-

Hold; but Thorbrand waylaid and slew Uchtred some ten years later when he submitted to Canute, and the feud between the two families, Angle and Dane, was not appeased in Simeon's time.

ever and wherever they may happen to meet each other, they may live together as man and wife without further ceremony.[1]

The expressions, "taking the veil," and "the wedding," have lost their earlier signification, for the former meant a marriage. The nun is a spiritual bride, and her year's noviciate seems to mark the time generally suffered to elapse between the wedding and the giving-away, or the assumption of the marriage-veil. The contract would appear to have been completed, or annulled, in both cases after the lapse of a year, which was probably looked upon originally as an era of probation. It was evidently a sacred and binding contract in the eyes of the church, though either party might decline to fulfil it; the sole penalty in this case being, like the contract, of a civil character, the offender forfeiting all claim upon the dowry and any other gifts that may have passed on either side. Strictly speaking, "legitimum conjugium" was not complete without the "traditio," and in the case of a first marriage the "benedictio sacerdotalis;" but if a child was born before the wedded woman was given away, even if the contract was never completed, as the "desponsatio" was the more important ceremony in the eye of the law, ancient custom pronounced the child legitimate. Nor was this the custom in England only, for as the dowry, according to the Capitularies, was the test of a legal marriage, as long as this principle was in force, the "desponsatio et dotatio" must have legitimated the offspring, even without the completion of the ceremony by the "traditio et sanctificatio." Upon this point the Church seems to have avoided committing herself, and none of the old English canons touch upon the subject; but by forbidding the presence of her minister at a second marriage, whilst she was obliged to acknowledge that such a marriage was legally binding, the Church in those days tacitly admitted the civil nature of the tie, and the abstract legality of an "unsanctified" union.[2]

Great abuses seem to have arisen out of a state of the law in which a wedded woman might, under certain circumstances, become a mother, and her child be legitimate, *before* the giving-away; and when Giraldus inveighs against the evils arising out of the abuse of this custom amongst

[1] *Edmund B.; Instit. Pol.* 22; *Ælf. Can.*, 9; *Ælf. Pœn.*, 43; *Edg. Can. M.I.P.*, 24; *Ambrose, ep.* 60, sec. 1, *ep.* 19, sec. 7; compare also *Scotland under her Early Kings*, vol. ii. p. 324. If man and wife were unavoidably separated by the chances of war or the incidents of service, after the lapse of a certain number of years the Church allowed another marriage. If the original wife returned, she was to be taken back—"not so," says another authority, "let her find another husband." *Theod. Pœn.* xix. 24, 1.

[2] *Theod. Pœn.*, xvi. 29; *Ecgb. Conf.*, 20. The penalty for carrying off a "wedded woman" was excommunication. *Ecgb. Pœn.* ii. 12. From the penalty of "the king's-wite" being levied in Alfred's Laws (*sec.* 8), upon the man who carried off "a nun from a minster without the king's or the bishop's leave," it is evident that with their leave she could be married. But the nun at that time was a canoness; under ordinary circumstances the deacon was not to receive orders, nor the *virgo* to take her vows, before twenty-five years of age; and in an age of lay abbots and secular canons, the nun was often a lady of rank, who would not trouble herself much with either rule or vows, even after she passed the twenty-five years. These were probably the ladies who set the fashion of using dresses and ornaments in *nun-minsters*—I purposely avoid writing *nunneries*, for they were different—against which various Councils protested.

his countrymen, he is only describing a state of society that was far more widely prevalent a century or two before he wrote as follows:—"Matrimoniorum autem onera, nisi expertis antea cohabitatione, commixtione, morum qualitate, et præcipue fecunditate, subire non solent. Proinde puellas, sub certo parentibus pecuniæ pretio, et resipiscendi pœna statuta, non ducere quidem in primis sed quasi conducere, antiquus in hac gente mos obtinuit." Under the name of *Hand-fasting* the custom "quasi conducendi puellas" is traceable in remote districts of England and Scotland, until a comparatively recent era, and is still supposed to be known in Wales as "bundling." In its original acceptation the word *handfast* simply meant a contract of any sort, though it seems to have been gradually applied almost exclusively to a marriage-contract, and Palsgrave renders *fiancelles* by *hand-faslyng*. This engagement lasted for a year, exactly answering to the original wedding, "and if each party continued constant, the handfasting was renewed for life"—the sanctification and giving-away ensued—"but if either party dissented, the engagement was void, and both were at full liberty to make a new choice; but with this proviso, that the inconstant was to take charge of the offspring of the year of probation." Long before the time when Pennant wrote these lines, handfasting had ceased to be countenanced by the law. Writing of Alexander Dunbar, the son of James sixth Earl of Moray and Isobel Innes, Pitscottie says,—"This Isobel was but handfast with him, and deceased before the marriage; wherethrough this Alexander he was worthy of a greater living than he might succeed to by the laws and practices of this realm." Yet as a custom it was of considerable force, for when Margaret of England sued for a divorce from Angus, she asserted that he had been handfasted to Jane Douglas, "who bare the child to him, and by reason of that pre-contract could not be her lawful husband." At the opening of the sixteenth century, therefore, a contract of this description was still considered to be of sufficient force to be used as a plea for a divorce, which was granted by the Pope, though the child of the union between Angus and the queen-dowager was declared legitimate. In an earlier state of society, such as existed in England and elsewhere before the close of the eleventh century, an arrangement of this description would have been carried out without any appeal to Rome.[1]

Many of the pretenders who have been stigmatized in mediæval history as illegitimate, though they seem to have often met with considerable support amongst their contemporaries, may have been the children of handfast connections, and ancient custom would have looked more favourably upon their claims than mediæval law. The Emperor Arnulf seems to have been an instance in point, for the contemporary Saxon chronicler appears to have entertained not the remotest idea of his illegitimacy when he wrote as follows:—"They said they would all hold (their kingdoms) from his hand, because none of them on the father's side was *born thereto*

[1] *Descr. Camb.* Lib. ii. c. 6; *Jamieson, Dict. in voc. Handfast*, quoting Pennant, Pitscottie, and Home.

except him alone." It was Hincmar, the devoted adherent of the Western Carolings, who stigmatized the sole representative of the Eastern branch as the son of a concubine, and illegitimate. The mother of Athelstan, though traditionally of high descent, seems never to have been acknowledged as the wife of Edward; yet her son was the legitimate heir and successor of his father, and probably the issue of a wedding that was never completed. From certain expressions used in the Life of St. Editha, or Eadgyfu, the daughter of Edgar, the custom of handfasting, with its abuses, would appear to have been in full force during that king's reign. In alluding to the saint's mother, the writer uses the following words:—"quam quidem Wlftrudem rex sibi *perpetuo regni consortio conjungere* statuerat, sed illa *à partu absoluta* deinceps continenter vivere quam illecebris servire maluit, Christi amore eam invitante." It was evidently the wish of the king to complete the contract after the birth of the child, but Wlftrud declined, retiring into a convent, apparently without a stain upon her character; and as she was "the inconstant," the child, born before the final giving-away, was brought up by the mother, and dedicated to a religious life. The death of Eadgyfu occurred in her twenty-third year, on the 16th September 984, thus placing her birth in 962, or late in 961; and as Ælfthryth, who became a widow in the course of 962, was the wife of Edgar in 964, the connection of Edgar with Æthelfled, and the birth of Edward, must be placed between these dates. From the brief interval elasping between the birth of Eadgyfu, at which period Edgar seems to have been still attached to Wlftrud, and his union with the high-born widow Ælfthryth, it seems allowable to conjecture that he never completed his contract with Æthelfled, who, though known from her beauty as "The White Duck," was not apparently of exalted origin. But it would appear as if, in this case, it was the king who drew back, to judge from the date of his marriage with Ælfthryth; and by the usage of handfasting it would have fallen to his lot to provide for the child of the wedded, but not married, Æthelfled. Accordingly he acknowledged Edward as his legitimate son, and a certain light is thrown upon the history of the period, if it is allowable to assume that the heir to the throne was, as in the case of Athelstan, the issue of a handfast connection. His right to succeed was evidently disputed, though the reason assigned by Osbern, that he was the son of uncrowned parents, is not only the objection of a later age, but, even if it had been raised, might have been equally used against his half-brother Ethelred. The real question was probably about his legitimacy, which had been acknowledged by his father Edgar; and as his brief reign was the era of Ælfhere's struggle against the Ealdermen of East Anglia and Essex, Edward would appear to have been supported by the former for his own purposes; for the prince met his death in one of the Western Provinces "by his own people," and received the burial of a king from the Mercian Ealderman.[1]

[1] *Chron. Sax.* 887; *Mabillon, Act. Sanct.* sæc. v. p. 623.

III.

The King's Kin.

No allusion is ever made to the Ealderman in the Kentish laws. Members of the royal race ruled, as kings, over the subdivisions of the realm of Æthelbert until the expulsion of the last of them in the time of Offa, who drove out Egbert, and refused to confirm his grants, denying his right to "book land." Osulf of East-Kent, the first-known Ealderman in this part of England, was the contemporary of Wulfred, the last prelate ever chosen from a Kentish monastery to fill the see of Canterbury, until "Æthelnoth the monk," dean of Christ-Church, and a scion of the royal house, was raised to the archbishopric in the reign of Canute. Amongst the Northumbrians, the place of the Ealderman seems to have been filled by the High-Reeve. Where Simeon uses *Dux*, the expression in the chronicle is *Heah-Gerefa;* and where the latter authority says that the High-reeves slew Beorn the *Ealderman*, the northern annalist uses the word *Patricius*, which occurs repeatedly in his account of the events of the eighth century. Beda, in his Epitome, distinguishes between the *Dux regius*—Heretoga—who was killed by the Picts in 698, and the *Præfectus*—Gerefa—who fought with the same people in 710, though both appear in the Saxon Chronicle as Ealdermen. It may be gathered therefore, that the Northumbrian kingdom was administered, under the king, by High-reeves, over whom there seems to have been placed a superior official, known as the Patricius, whose Anglian name may have been Heretoga, or Ealderman.[1]

In Wessex, however, from the time of Ini, the contemporary of the Kentish Wihtred, the Ealderman is found in connection with the Shire, jointly presiding over the Folk-moot with the Bishop. Occasionally they marched to battle together, each carrying out the part assigned to him; and whilst the Ealderman did his best to defeat the foe with the arm of the flesh, the Bishop and his clergy lent their spiritual aid by offering up prayers around the sacred banner, though sometimes the ardour of battle seems to have led them to participate more actively in the fray. But though the Bishop may have been the judge in all ecclesiastical causes, the office of the Ealderman in the Folk-moot was not judicial. If a man demanded justice in the days of Ini, he carried his plaint before "the Shire-man, or some other judge." Debt was declared, in Alfred's reign, "before the King's-reeve in the Folk-moot;" and chapmen, journeying up the country, were bound to bring their men "before the King's-reeve in the Folk-moot." To "judge righteous dooms" is the exhortation of Edward to his *Reeves*, and though Bishops, Ealdermen, and Reeves were

[1] *Cod. Dip.* cxxxii., cxxxv., clvii., cxcv., ccxxvi.; *Chron. Sax.* and *Sim. Dun.* ad. an. 778, 780; *Beda, H. E.* L. v. c. 24. In later times, the Eorl and Hold seem to have answered, amongst the Danish population of Northumbria, to the Ealderman and Heah-gerefa amongst the Angles.

all alike enjoined by Athelstan to unite in "keeping the Frith," the Reeves alone were ordered "to take the *wed*, each in *his own shire*;" it was the Reeve who, in the days when the Hue and Cry went from shire to shire, was bound to assist with his *manung*. But, say the Laws of Alfred, in whose days fighting in certain cases was still lawful, "if a man have not sufficient power to besiege (his foe), let him ride *to the Ealderman*,"—if military force was required, the appeal was no longer to the Gerefa, but to the Heretoga. *Bot*, or personal compensation, was paid to an ealderman, a bishop, or an archbishop, by the man who fought, or drew his weapon, in their presence; but he who fought before an ealderman in the Folk-moot paid "wer and wite" as bot, with an additional fine of 120 scillings, the regius bannus or king's-wite, to the ealderman; if he merely disturbed the Folk-moot by drawing his weapon, he paid a king's-wite,—for the ealderman sat as the representative of the king. Each greater shire—for the name originally only meant a division—was a kingdom in miniature; the Ealderman led the king's forces as *Heretoga*, and sat in the Folk-moot as *Stallr*, or representative of the king, but the Shire-reeve, like the Graphio of the Franks, was the king's judge.[1]

Great changes were introduced in the course of the tenth century; the older distinctions of condition and race were merged in Twelfhynd and Twyhynd, Angle and Dane; and as the authority of the West-Saxon sovereigns extended far beyond the original limits of their ancestral kingdom, the power of the Ealderman seems to have risen with that of the king. "Let Oslac Eorl further this . . . and let writings be sent to both Ælfere Ealderman and Æthelwine Ealderman,"—such were the directions by which Edgar secured the establishment of the "Frith-borh" throughout the whole district between Watling Street and the northern marches of Danish Northumbria, embracing the three great provinces or duchies of Mercia, East Anglia, and Danish Northumbria. "Sigeric Archbishop, and Æthelweard Ealderman, and Ælfric Ealderman, obtained of the king that they might buy Frith for those districts which they, under the king's hand, ruled over." This was in 994, when all the south country was evidently under the rule of the archbishop and *two* ealdermen. In a charter, dated a few years later, Æthelwerd appears as "Dux Occidentalium provinciarum," and Ælfric as "Dux Wentanensium provinciarum," the old kingdom of Wessex being evidently divided at this period into two great duchies, which may be distinguished as the Western and Central provinces, the former embracing Devon, Somerset, and Dorset, the latter the shires of Hampton and Wilts. The Ealderman was no longer connected with a shire, for he must have presided over a duchy or a province—an ealderdom embracing many shires. In the ordinance of Ethelred respecting Danish Mercia north of the Welland, the Grith that ranked next after that which was given "from the king's

[1] *Ini*, 8; *Alf.* 22, 34, 38, 42; *Edw.* 1; *Ath.* v. 8, 10. Egbert "then sent from his army his son Æthelwulf, and Ealhstan his bishop, and Wulfheard his ealderman, into Kent with a large force." "And the king (Ethelred) then committed the forces to the leading of Ælfric the ealderman, and of Thored the eorl, and of Bishop Ælfstan and of Bishop Æscwig." *Chron. Sax.* 823, 992.

own hand," was "the grith which the ealderman and king's-reeve give in the assembly of the Five-Burghs." It is impossible to look upon the Five-Burghs as a Shire, upon the Assembly as a Shire-moot, and upon the King's-reeve as a Shire-reeve in this case. Godwine, Ealderman of Lindisse, is mentioned by the Saxon Chronicle amongst the slain at Assandun, and his ealderdom was only a portion of the district in question, which must have ranked as a province or duchy. The deaths of several King's High-reeves are mentioned in the Chronicle during the reign of Ethelred: "Leofsige, whom I raised from thegn to ealderman—de satrapis tuli, ducem constituendo—and Æfic my reeve, whom I reckoned foremost amongst my high-reeves—primatem inter primates meos taxavi"—such are the expressions attributed to Ethelred in one of his charters; and the King's-reeve, who joined the Ealderman in giving Grith in the Assembly of the Five-Burghs, was apparently a High-reeve, ranking above the ordinary Shire-reeve. "Each of the Deutschlands, Saxony, Franconia, Suabia, and Bavaria, has its own Pfaltz-graf," says the Sachsenspiegel; and the High-reeve seems to have stood in much the same position towards the greater Ealderman and the Shire-reeve, as the Pfaltz-graf did towards the Herzog and Graf of the Empire as it was constituted in those days.[1]

It was evidently the policy of the princes who were raised to the supreme authority in Germany to establish and perpetuate the power of their respective Houses by distributing the greater fiefs amongst their own kindred, or amongst *Fürsten*, who were allied to them by marriage. Franconian dukes surrounded the throne of Henry, and rose in revolt against his son Otho; but before the close of the tenth century all the greater fiefs were in the hands of princes belonging to, or in alliance with, the House of Saxony. The same may be said of the Franconian House of Waiblingen, and of the Suabian House of Hohenstauffen; and, as fiefs gradually became hereditary in the time of the emperors of the latter race, most of the ruling families in Germany at the present day trace their origin to a Suabian ancestor. England, in the tenth century, exhibited a very similar picture, for, after the extinction of the earlier royal Houses, most of the greater provinces, as they fell under the dominion of the West-Saxon sovereigns, seem to have become the appanages of the King's kin. The first member of the royal race who can be traced with certainty is Athelstan the Half-king, the Ealderman of East Anglia, who exchanged his patrimonial forty hides, in his native province of Devon, for the forty hides at Hatfield, which Edgar gave to Ordmær and his wife. Ælfwen, the wife of Athelstan, who was appar-

[1] *Edg. Sup.* 15; *Ethelr.* ii. 1, iii. 1; *Cod. Dip.* dcxcviii., dccxvii. The Pfaltz-graven of the duchies must not be confounded with the Palatine of the Rhenish provinces, who was Pfaltz-graf of the Empire. In a great assembly in which the men of many *shires* were interested, Æthelwine the Ealderman and the King's-reeve sat in judgment. The latter must have surely been a High-reeve. *Rist. Ram.* c. 55. By degrees the High-reeve seems to have settled into the High-Sheriff, or Vice-comes of the highest class; for the early Scir-gerefa does not answer to the Shire-reeve of the eleventh and twelfth centuries, nor does the vicecomes amongst the French answer to the English High-Sheriff of early days.

ently a sister of Bishop Eadnoth—for Ælfwen, the bishop's sister, was known as "the Lady"—is said to have been the foster-mother of Edgar, a connection that seems to throw a certain light upon the rivalry between her foster-son and his elder brother. Athelstan, whose name is found in connection with the charters of his great namesake, assumed the cowl in 956, and his eldest son, Æthelwold, became one of the foremost supporters of his foster-brother Edgar.[1]

Around the throne of Edwy, on the other hand, were grouped all the leading members of the royal house. Leofwine, "the king's kinsman," Ælfhere and his brother Ælfheah, "the king's kinsmen," and Ælfgar and his brother Brithferth, also described as kinsmen of the king, attest his earliest charter, dated in 955. Ælfhere was raised in the following year to the ealderdom of Mercia, and owing probably to the ancient rivalry of the people of his province with the West Saxons, attached himself to Edgar; but all the rest of the royal house adhered, without an exception, to Edwy. The name of Ordgar, the future father-in-law of Edgar, is also attached to a charter of Edwy dated in 958, and the signature of Æthelwerd appears for the first time amongst the *ministri* in the following year. Brithelm, the bishop of Sherborn, who was raised to the see of Winchester upon the death of Odo, and subsequently chosen to fill the vacant archbishopric when Ælfsige perished upon the Alps, is also to be numbered amongst the kinsmen of the king. His hopes were blighted by the death of Edwy, and Dunstan was promoted to Canterbury in his place; but Edgar, as soon as he succeeded to his brother as head of his house, seems to have hastened to effect a reconciliation with his relations. Edwy died upon the 1st of October, and before the close of the year the name of Ælfeah appears amongst the *Duces*, as Ealderman of the Central provinces; grants of land were heaped upon "Brithelm, my well-beloved kinsman and bishop," to atone probably for the loss of the archbishopric; and the place of Ælfeah, who had always assumed the foremost rank amongst the attendant *ministri* under Edwy, is now filled by Ælfgar, whose name is always followed by that of his brother Brithferth. Not until the death of Brithelm in 964 was a single step taken to introduce "the Rule" into the monasteries of Edgar's kingdom.[2]

Most of the ealdermen who attest the charters of Edgar are easily recognised. Ælfhere, Ælfeah, and Æthelwine, all kinsmen of the king, held the ealderdoms of Mercia, South Hampton, or the Central provinces, and East Anglia. Ordgar, the father-in-law of the king, was raised in 964 to be ealderman of Devon, or the Western provinces; whilst Brith-

[1] *Hist. Ram.* L. 1. c. 93; *Hist. El.* L. 2. c. 13. The name of Athelstan's father was Æthelred, according to *Cod. Dip.* cccxxxviii. After Ealderman Æthelfrith lost all his charters in a fire in 903, his right to Wrington was acknowledged, which "Æthelstan dux, filius Æthelredi, conversus et factus monachus, optulit secum ad monasterium Glastingense, illamque sibi largitus est Athelstan rex." He cannot have been a son of the Mercian ealderman, and hardly a *son* of the king who died eighty-five years before the name of Athelstan is missed from the charters, though perhaps a grandson.

[2] *Cod. Dip.* ccccxxxvi., mccxiv., mccxxvii., mcccxx.

noth, brother-in-law of Æthelflæd at-Domerham, held the ealderdom of the East Saxons, which had previously been given to his father-in-law Ælfgar, evidently through his connection with the royal house. Ælfgar the *Minister* died in 962, his brother's name appears in the foremost place, and, after the disappearance of Brithferth, the signature of Æthelwerd stands first, all kinsmen of the king. Oslac, "the great Eorl," ruled over the Anglo-Danes after 966; his name appears as Dux in the charters in 965; but neither bishop nor ealderman from beyond the province of York ever attested a grant of Edgar. A state of anarchy seems to have ensued upon the death of the king in 975, amidst which Oslac was outlawed, and a civil war all but broke out between the rival houses of Mercia and East Anglia. Ælfhere, it appears, who had already driven the monks out of his own province of Mercia, threatened to expel them from the diocese of Dorchester, whilst Æthelwine and Brithnoth flew to arms to protect the Regulars, who looked upon the ealdermen of East Anglia and Essex as their patrons. The rule of St. Benedict, however, was very far from being the true cause of the dissension.[1]

The diocese of Dorchester, as it existed in the tenth century, though it was once a portion of the Mercian kingdom, was not included under the jurisdiction of the Mercian ealderman. The shires of Bedford, Hertford, Cambridge, Huntingdon, and Northampton, with the district of Kesteven, seem to have belonged to the ealderdom of Æthelwine; and as in the reign of Ethelred the reeves of Oxford and Buckingham were brought to task by Leofsige, ealderman of Essex, the remainder of the diocese would appear to have been placed under the ealderman of the East Saxons. Accordingly when the religious houses, which had been destroyed during the inroads of the Danes, were restored and filled with monks, instead of clerks or secular canons, the brethren looked upon the ealdermen of East Anglia and Essex as their temporal patrons; and whilst the grateful historian of Ely has handed Brithnoth down as the protector raised especially by Providence to counteract the impious designs of Ælfhere, the scribe of Ramsey, ignoring altogether the East Saxon hero, lavishes all his encomiums upon Æthelwine. But the Anglian population of the diocese probably looked upon the monks as "new men;" for the secular canons were generally at this period—as in Scotland about a century and a half later—members of the leading provincial families, and it had long been customary to fill the sees and minsters with bishops and abbots, who, in return, leased out the church lands amongst their kindred, To support the secular canons, therefore, was to uphold "the time-honoured customs of the past," and in his inroad upon the monks Ælfhere may have been moved, less by any inveterate hostility to the Benedictine rule, than by a desire to

[1] *Chron. Sax.* and *Flor. Wig.*, 962, 966, 975. The historian of Ely (L. 2, c. 7, 8) says that the sister-in-law of Brithnoth was the wife of "Athelstan dux;" but Æthelflæd at-Domerham, the widow of King Edmund and sister of Brithnoth's wife Ælflæd, makes not the least allusion to such a connection in her will. *Thorpe, Diplom.*, p. 519.

re-establish the influence of the old provincial families of Anglian origin, whose feelings would have naturally leant towards a reunion with Mercia. In other words he hoped, amidst the weakness and confusion of a minority, to advance the boundaries of his ealderdom as far as the frontiers of the old Mercian kingdom, southward of the Welland. Æthelwine, on the other hand, and Brithnoth, were bound by the ties of mutual interest to "keep pace with the progress of the age," and to unite in supporting the "new men." The monastery of Ramsey, which may be taken as an example of the novel foundations, was peculiarly the creation of Æthelwine, who was also the patron, or proprietor, of St. Neots and Croyland. The brotherhood, originally planted at Westbury by Oswald, who was himself a Dane, and apparently from the diocese of Dorchester, was very soon transferred to the new foundation of Æthelwine, under the superintendence of his maternal uncle, Eadnoth, who only held the office of Prior, or Provost; for "he himself stood in the place of Abbot, and there was no Abbot of Ramsey as long as he lived," —a family arrangement that somewhat deteriorates from the disinterestedness of the attachment to the Benedictine rule that is so generally attributed to the almost beatified Ealderman of the East Angles. Thus underneath an apparent quarrel over a question of Church discipline lay, in reality, a contest for power between the great rival Ealdermen of Mercia, East Anglia, and Essex.[1]

It is very doubtful if the Benedictines were re-established in Mercia before the death of Ælfhere in 983, who was succeeded in the ealderdom by his son Ælfric, sometimes known as *Puer—Cild* or *Child*—perhaps to distinguish him from another Ælfric, with whom he has been generally confounded. The Central provinces, or ealderdom of South-Hampton, passed from Ælfeah, who died in 971, to Æthelmær, whose death is entered in the Saxon Chronicle under 982.[2] The signature of Ælfric *dux* is then attached to some charters attested by Ælfhere, after whose death in 983 two ealdermen affix the same name to the royal grants during the following year or two, Ælfric of Mercia, and Ælfric of South-Hampton,—the "Ealderman Ælfric," who has gained an unenviable notoriety in the history of the period. The career of Ælfric Cild, the Ealderman of Mercia, was brief. Two years after his father's death he obtained the Abbacy of Abingdon for his brother Eadwine, and was outlawed before the close of the same year in a great council of "the bishops, ealdermen, and leading nobles of the realm," held at Cirencester. The cause of his forfeiture is assigned to an illegal enforcement of his claims upon certain lands, some of which seem

[1] *Hist. Ram.* c. 55; *Cod. Dip.* mcclxxxix. "Ipsemet fuit in loco abbatis, nec fuit aliquis abbas Ramesiæ tempore quo vixit." *Dug. Mon.* (Ellis and Bandinel), vol. ii. p. 547.

[2] Æthelmær seems to have died early in 983, for the ten hides at Cliff were granted in that year both to "Æthelmær *dux*," and to "Æthelwine *minister*" (*Cod. Dip.* dcxxxvi., dcxxxviii). The wording of the two charters is identical, one name merely replacing another; and as from dcxcii. it may be gathered that Ealderman Æthelmær had a son of the name of Æthelwine, it may be supposed that, on the death of the ealderman, the land in question was made over to his son.

to have been in the diocese of Dorchester, and to his open resistance against the royal authority. Some of these very lands, however, had been granted to his father Ælfhere as far back as the first year of Edwy's reign, and the true reason of Ælfric's ruin, which seems to have been premeditated, must be sought for in the overgrown power of his father, and perhaps in the attempts of the Mercian ealdermen to extend their jurisdiction beyond the limits of the province assigned to them. No successor was appointed to Ælfric, and the great Ealderdom of Mercia became a memory of the past. Æthelwine, who upon the death of his rival Ælfhere assumed the foremost place amongst the ealdermen once occupied by his father, the Half-king, died in 992, "the kinsman of Edgar, and Ealderman of the whole of Anglia," is said to have been inscribed upon his tomb, and he also was followed by no successor in his dignity. Æthelwerd, his eldest son and representative, fell at Assandun in 1016, but the foremost place in East Anglia was long filled by Ulfketyl, who was killed on the same occasion at the head of the men of his province, and whose name is of frequent occurrence in the charters, always appearing, however, amongst the *Ministri*. Evidently the overpowerful ealderdoms of Mercia and East Anglia were broken up, and from this time forward "held in the king's hand," and administered by High-reeves.[1]

It is observable that, in the charters of the tenth century, one of the ealdermen invariably takes precedence over all the others. Towards the close of Athelstan's reign Wulfgar seems to have enjoyed this privilege, in which he was succeeded in the course of Edmund's reign by Athelstan the Half-king, who again was followed in succession by Ælf-

[1] *Chron. Sax.* 982, 983, 985, 992, 1016; *Cod. Dip.* dcciii., mccxiv., mcccxii. The connection of Ælfric the pusillanimous with the Central provinces is shown by *Chron. Sax.*, 1003, and *Cod. Dip.* dcxlii. and dcxcviii. In the former charter Wulmær and Æthelweard probably represent the Shire-reeves of Hants and Wilts. Eadwine is omitted from the list of Abbots in the Book of Abingdon, and from the expressions in mccev., the short period of his Abbacy seems to have been looked upon as an era of unjust alienation. The original monastery of Abingdon was, for a long time, dependent upon the Mercian kings, and Berkshire was in the diocese of Dorchester. In a charter of Athelstan, indeed, Winsi, the bishop of the latter diocese, is called bishop of Bærrocscire (mcxxix). One MS. of Florence describes the brother of Eadwine as "Ælfric major-domus regiæ." Ælfgar, son of Ælfric the ealderman, whose eyes were put out by order of Ethelred in 993 (*Chron. Sax.*), was probably grandson and representative of Ælfhere, rather than a son of the other Ælfric, who continued to retain his ealderdom for many years after this entry. To the Mercian Ælfric an elder brother has been given in the person of "Odda Dux" whose body was found at Deerhurst in 1259, and who is said, upon the death of his wicked father Ælfhere, to have restored all the lands taken from the monks, and retiring into the cloister, to have resigned the ealderdom to his younger brother Ælfric. The signature of the historical Odda is appended to many charters, appearing in 1014 at the earliest, and is occasionally followed by that of "Ælfric, his brother"—hence the confusion. On the banishment of Godwine and his family in 1051, Odda was placed over the Western provinces, and signs as "Odda Dux;" and after the return of Godwine in 1053, Odda and Ælfric attest a charter, very significantly, as *monks*. They had probably excellent reasons for assuming the cowl, but Odda became a monk *seventy* years after the death of his supposed father, Ælfhere, with whom he was in no way connected.—(*Chron. Sax.* and *Flor. Wig.* 1051, 1056; *Cod. Dip.* dccxcviii., dcccix., dcccv., mcccix). Ælfric's death is noticed in 1053, that of "Odda Eorl" in 1056, with an allusion to his assumption of the cowl; but his signature as *dux* never occurs after his appearance as *monachus*.

here and Æthelwine, the three latter certainly, and probably Wulfgar, being numbered amongst the kindred of the king. Upon the death of Æthelwine, Æthelwerd, whose name appears amongst the *Duces* in the closing years of Edgar's reign, assumed the foremost place, and he describes himself in his letter to Matilda as "Patricius Consul," and "Patricius." The title of Patricius seems to have been given in the eighth century to the leading official in the Northumbrian kingdom, ranking next to the sovereign—occasionally superseding him—and it may have been applied at the period when Æthelwerd wrote to the senior Ealderman. During his "patriciate" the founder of the later house of Mercia, Leofwine, makes his first appearance amongst the *Duces;* but only in the capacity of Ealderman of the Hwiccas, and the remainder of the extensive ealderdom of Ælfhere and Ælfric was evidently retained "in the king's hand." Ælfric of South-Hampton, Ælfhelm and Waltheof of the Northumbrians, Northman and Leofsige, complete the number of aldermen at this period; the latter the successor of Brithnoth, who must have reached a mature age when he met a soldier's death in 991, for he was married when Ælfgar made his will forty years before. The signature of Æthelwerd is missed after 998, and no successor was appointed to his ealderdom. Four years later Leofsige surprised and slew Æfic, the king's High-reeve, in his own house, and was outlawed in consequence; forfeiture was pronounced against his widowed sister for sheltering her brother, and the province of the East Saxons ceasing to be administered by an ealderman, Ælfric, Ælfhelm, and Leofwine were alone intrusted with the higher dignity.[1]

Ælfthryth, the queen-mother, soon followed Æthelwerd to the grave, and the principal advisers of Ethelred, at this period seem to have been his kinsmen Æthelmær, his uncle Ordulf—their names invariably occupy the foremost place amongst the *Ministri*—and Wulfgeat, his favourite thegn. Ordulf, the founder of Tavistock Abbey, is called by Florence "Primas Domnoniæ," or High-reeve of Devon; and as the bishop of Sherborne "greets Æthelmær kindly" in an official document, it may be implied that the ealderdom of the Western provinces was divided between Æthelmær and Ordulf. Ordgar and Æthelwerd had each in succession held the whole ealderdom, and the respective claims of their sons may have been compromised by this division—for Æthelmær "the great," the founder of Eynsham Abbey, was the son of Æthelwerd "Bishop Brit-

[1] *Cod. Dip.*, dclxxxvii., dcxcviii., dccxix., *Thorpe, Diplom.*, p. 505. The names of Waltheof and Northman only appear amongst the *duces* in one charter. Æthelred, the son-in-law of Alfred, is described in one of his charters (cccxi.) as "Dux et Patricius Merciorum," in another as "Dux et Dominator;" but he always appears in the vernacular as Ealderman, without any distinction in his title from the *three* aldermen, who with the *three* bishops, sometimes attest his charters. Each of the provinces of the Magesætas, the Hwiccas, and the Mercians, seems to have been provided with its bishop and its ealderman, Æthelred representing the Senior ealderman, or Patricius, wielding the royal authority over all,—a *Half-king*, in other words. From the expressions of the Chronicle (*ad. an.* 825) "Ludeca and *his five* aldermen," it would appear as if, before the Danish conquest, there had been an ealderman and a bishop over each of the *five* provinces at that time constituting the Mercian kingdom.

helm's kinsman," or, in other words, of the Patrician who was the correspondent of Matilda. Æthelwerd and Æthelnoth, who was afterwards Archbishop of Canterbury, were the sons of Æthelmær, and he had a daughter who was married to another Æthelwerd. Closely following the signatures of Æthelmær and Ordulf will generally be found the names of Wulfric and his nephew Wulfeah. Wulfric, "Wulfrun's son," whose high descent is noticed in more than one charter, was the founder of Burton Abbey; and unless the title of "Consul et Comes Merciorum," under which he appears in the Annals of Burton, is to be ascribed altogether to the gratitude of the brotherhood, he may be supposed to have ruled over the northern portion of Ælfhere's ealderdom in the capacity of High-reeve. Wulfeah and his brother Ufegeat were the sons of Ælfhelm, ealderman of the Northumbrian Danes, who is named by Wulfric in his will as his brother. The daughter of Morcar and Eadgyth was Wulfric's godchild, and whilst both her parents were benefited considerably by the will, the manner in which her godfather leaves her "the bulla which was her grandmother's," seems to point to a closer relationship between them. Was she not his daughter's child? The name of Ælfhelm's wife, according to Florence, was Wulfrun; and as a Wulfrun "bequeathed the land at Ramsley, and the hythe that belongs thereto, to Æthelmær her kinsman," it can scarcely be doubted that, either through his wife or his mother, the ealderman and his family were connected with the kindred of the king. The names of Ælfhelm, Wulfric, and Morcar would have raised the country from the Welland to the Tyne; Ælfgyfu, "of Northampton," the daughter of Ælfhelm and Wulfrun, became the first wife of Canute, and the whole of the north of England held in after times to her son, Harold Harefoot. Eadgyth, the widow of Siferth, was married, after the murder of her husband, to Edmund Ironside, who "went north to the Five-Burghs, and soon took possession of all Siferth's property, and Morcar's, and all the people submitted to him." Did they recognise the rival claims of Wulfric's grandchild?[1]

The character of Ethelred, as it may be read in some of his charters, displays a singular mixture of treachery and imbecility. In the year after the forfeiture of Ælfric the Mercian, the king harried the diocese of Rochester, and some twelve years afterwards he lays the whole blame

[1] *Cod. Dip.* dccviii., dccxiv., mcccxii.; *Thorpe, Dip.* p. 543: *Flor. Wig.* 997, 1035. The confirmation of Ethelred (dccxiv.) alludes to lands given by Bishop Brithelm "Æthelweardo propinquo suo, patri videlicet Æthelmari." The *three* Æthelwerds, father, son, and son-in-law, of Æthelmær, must be carefully distinguished; nor must Æthelmær be confounded with ealderman Æthelmær, the father of Æthelwine. In the grant of some lands at Dumbleton (dcxcii.), which he bequeathed by his will to Archbishop Ælfric, Wulfric is called "Wulfrune suna," so that there can be no doubt about the descent of Wulfric and Ælfhelm from Wulfrun. But who was Wulfrun? "This year Anlaf stormed Tamworth," says *Chron. Sax.* (D.) 943, "there during the pillage was *Wulfrun* taken." The kinswoman of Æthelmær is called in the Latin *Wulfin*, in the Anglo-Saxon *Wulfrun*. As a conjecture, it seems probable that Wulfrun captured at Tamworth was the *father* of Wulfric and Ælfhelm—Wulfrun or Wulfruna, the kinswoman of Æthelmær, the *wife* of Ælfhelm, who may have owed his advancement to the ealderdom of the Northumbrians to this connection with the king's kin.

upon his adviser Æthelsige, "that enemy of God and the people." Wulfgeat, in the days of his prosperity extolled as the royal favourite, is vaguely accused of untold enormities after his ruin. Hardly has the name of Ælfthryth disappeared from the charters before her son hastens to grant the monastery at Bradford to the convent at Shaftesbury, in memory of his "brother Edward, that blessed martyr;" as if he seized upon the earliest opportunity of shifting the whole responsibility of a crime, by which he profited, upon his dead mother. Ever a tool in the hands of others, he seems to have been ready at any moment to abandon and betray them. The signature of Ordulf is no longer attached to the royal grants after 1005, and almost as soon as the influence of the king's uncle must have ceased to be felt at Court, the policy of Eadric Streona began to be developed. Wulfric, who died about 1002, bequeathed the greater portion of his vast property to Ælfhelm and his sons, and to Morcar and his wife and daughter. Ælfhelm, who had thus become the male representative of both branches of his family, was lured to his death at Shrewsbury in 1006, and treacherously murdered; his sons Wulfeah and Ufegeat were blinded by the king's order; and Wulfgeat, the former favourite, with his wife, Ælfgyfa, the widow of Ælfgar "the reeve," was involved in the same ruin. The ealderdom of Mercia fell to the share of Eadric—the portion of the old province apparently, that seems to have been administered by Wulfric, for the Hwiccas still remained under the jurisdiction of Leofwine—whilst the ealderdom of Ælfhelm purchased the support of the Northumbrian Uchtred, who, by his subsequent marriage with one of Ethelred's daughters, became the brother-in-law of Eadric.[1]

Upon the return of Ethelred after the death of Sweyn, Morcar and Siferth, Senior thegns of the Five-Burghs—High reeves or Holds probably—became the next of Eadric's victims, the king betraying his complicity in the crime by confiscating their property to his own use. But he was anticipated by his son Edmund, who, marrying the widow of Siferth, asserted her claims in his own person; and Eadric, as soon as his crime proved fruitless, deserted the Ætheling. He united with Canute in ravaging Mercia—Warwickshire, or a portion of Leofwine's ealderdom,—and as the Mercians refused to join the army of the Ætheling without the presence of the king, Edmund and Uchtred, when they were thought to have marched to oppose Canute, contented themselves with turning aside to harry Shropshire, Staffordshire, and Cheshire—or Eadric's province. In other words, the northern Mercians, though they refused to follow

[1] *Cod. Dip.* dcc., dccvi., mcccv., mcccx.; *Chron. Sax.* and *Flor. Wig.* 1006. Who was Æthelsige? In the *An. Camb.* 993, *Edelisi* Anglicus is said to have assisted Gwyn, son of Eineon, in ravaging Dyved, Cardigan, Gower, and Kidwely. The *Brut y Tywys.* 991, calls him "Eelis the great, a Saxon Twysog"—*Dux*. Ethelred, according to *Gaimar*. l. 4105, had a brother Edmund, who was married to a Welsh princess, and was troublesome between the death of Dunstan and the close of the century. Of the four sons of Athelstan the Half-king, Æthelsige alone left no bequests to the monastery of Ramsey. He was certainly the *foster*-brother of the king. Was he the outlaw, and husband of the Welsh princess?

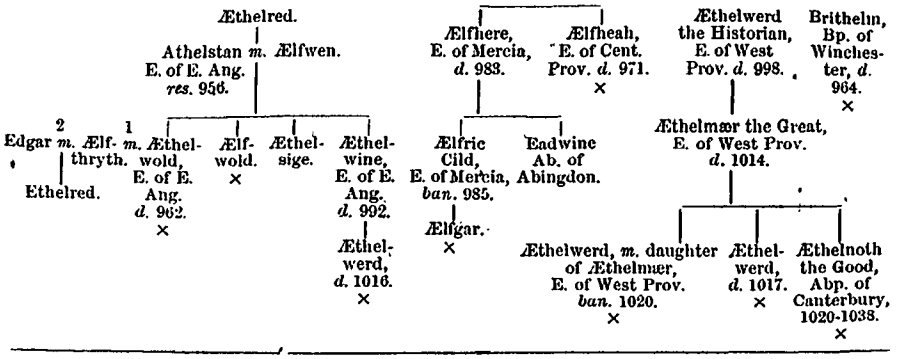
Eadric into the Danish camp, declined to fight against their ealderman without the sanction of the royal presence. It was easier to lay waste an unresisting province than to oppose Canute, and as soon as the Danish army entered Yorkshire Uchtred tendered his submission; Canute permitted the blood-feud of Thorbrand Hold to follow its natural course, and made over the vacant province, on Uchtred's death, to Eric the Norwegian Jarl. In the contest following upon the death of Ethelred, Hampshire and Wiltshire fought on the side of the Dane, but Dorset, Somerset, and Devon, the centre and stronghold of the king's kin, held as loyally to Alfred's heir as their forefathers had clung to Edmund's mighty ancestor, and for a short time with almost equal success. The retreat of Canute towards the eastern coast may explain the reconciliation of Eadric with his royal brother-in-law, and he fought upon the losing side at Assandun, quitting the field in time with the Magesættas—the northern Mercians seem to have followed the husband of Ælfgyfu of Northampton—to claim the reward of treachery from the victor.[1]

Canute completed all that Eadric had begun. Æthelmær the Great died in, or soon after, 1014, and he was the last ealderman of the royal house of Alfred's brother Ethelred. "Who will place Edwy the Æthel-ing in my power?" was the question addressed by Canute to Eadric, who answered "Æthelwerd." All the honours and power of his ancestry were promised to Æthelwerd, and he consented, "but with no intention of fulfilling the bargain," adds Florence, "for he was of the noblest race in England." Æthelwerd the son of Æthelmær was put to death, with other nobles, at Christmas 1017, and then, or soon afterwards, Edwy the Ætheling was "betrayed by his dearest friends." The signature of "Æthelwerd Dux" is appended to various charters during the two following years until, at the great Gemote held at Cirencester at Easter in 1020, "Æthelwerd the ealderman and Edwy king of the Ceorls" were outlawed. Æthelwerd the ealderman was probably the son-in-law of Æthelmær. Did he gain the almost hereditary province of his wife's family by betraying the Ætheling to Canute? His apparent connection, again, with both the Edwys is not a little remarkable. Was Edwy the Ceorl's king a prototype of Perkin Warbeck, and of the Polish adventurer who personated Dimitri Ivanovitch, the last of the house of Rurik? Was he a personator of the betrayed Ætheling, hailed as the rightful heir by many of the lower orders, and was Æthelwerd suspected of connivance in the fraud in order to conceal his share in the treachery? His surviving brother-in-law, Æthelnoth son of Æthelmær,

[1] *Chron. Sax.* and *Flor. Wig.* 1015, 1016. That Morcar the senior thegn of the Five-Burghs was identical with the Morcar whose name appears so often in the charters in company with those of Wulfric, Wulfeah, Wulfgeat, Æthelmær, and Ordulf, and with the Morcar of Wulfric's will, seems hardly to be doubted. Siferth, according to Florence, was his brother—he calls them sons of Earngrim—but, strange as it may appear to the ideas of modern times, this connection (if it existed) does not necessarily preclude the marriage of Siferth with his brother's daughter. "Ego Ælfridus Episcopus dabo illas v. mansas Beorhtwene filiæ Wulf-helmi, *quæ fuit uxor fratris illius* Beorthere" (*Cod. Dip.* cccIxxvi.) There was episcopal sanction for such an union in the reign of Athelstan.

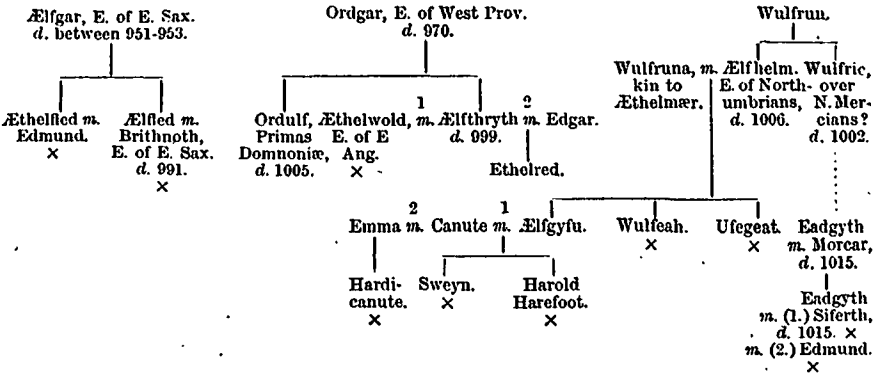
was raised to the See of Canterbury in the year of Æthelwerd's banishment; but by this time there was an ealderman in Kent, and the temporal power of the Archbishop was no longer as great as in the time of Dunstan and his immediate successors. Archbishop Æthelnoth is the last known member of the king's kin; the fate of the Carolings was beginning to threaten the house of Alfred, and Godwine and his family were ready to play the part of Hugues Capet. But it was not to be. Both Eadric and Godwine did their work effectually, but, like Virgil's bees, they did their work for others.[1]

A.


Æthelred.
Athelstan m. Ælfwen.
E. of E. Ang.
res. 956.
2 Edgar m. Ælfthryth.
Ethelred.
1 m. Æthelwold, E. of E. Ang. d. 962. ×
Ælfwold. ×
Æthelsige.
Æthelwine, E. of E. Ang. d. 992.
Æthelwerd, d. 1016. ×
Ælfhere, E. of Mercia, d. 983.
Ælfheah, E. of Cent. Prov. d. 971. ×
Ælfric Cild, E. of Mercia, ban. 985.
Ælfgar. ×
Eadwine Ab. of Abingdon.
Æthelwerd the Historian, E. of West Prov. d. 998.
Brithelm, Bp. of Winchester, d. 964. ×
Æthelmær the Great, E. of West Prov. d. 1014.
Æthelwerd, m. daughter of Æthelmær, E. of West Prov. ban. 1020. ×
Æthelwerd, d. 1017. ×
Æthelnoth the Good, Abp. of Canterbury, 1020-1038. ×

[1] *Chron. Sax.* and *Flor. Wig.* 1016, 1017, 1020. An ignoble origin has been attributed to both Eadric and Godwine, but apparently with little reason. It may only mean that they were not qualified by their birth to fill those foremost offices which seem to have been generally allotted to members of the king's kindred, or to the heads of families of the highest provincial descent. The ancestor of the house of Capet has been described as a German adventurer, and in later romances as a butcher. An Æthelric is mentioned in the will of Wulfric, which goes on to say, "After his day, let the land go, for my soul, *and for his móther's*, and for his, to Burton;" as if Æthelric was in some manner connected, through his mother, with the house of Wulfrun. If this Æthelric was the father of Eadric, a clue is at once found for the actions of the son. Ælfhelm, the head of Wulfrun's house, and his sons stood in the way of Eadric. Upon their removal he became ealderman of Mercia, and the Northern Mercians refused to fight against him unless the king accompanied the army—as if they acknowledged that he had a certain claim upon them. Morcar and Siferth stood in the way of his pretensions upon the Five-Burghs; they were removed, but the Ætheling married the widow of Siferth, "contrary to the king's will, . . . the people all submitted to him," and Eadric at once went over to Canute, as Ethelred had probably foreseen. This connection of Eadric with Wulfrun's family, through his grandmother, can only, however, be put forward as a conjecture. I see no reason to doubt the descent of Godwine from "Wulnoth Child," the South Saxon, but much reason to doubt the descent of Wulnoth from Æthelmær, a son of Æthelric and brother of Eadric. In the presence of Canute, and before the death of Archbishop Living in 1020, Godwine married Brythric's daughter (*Cod. Dip.* dccxxxii.), and I am inclined to look upon this as a political marriage, by which Canute placed the heiress of the house of Eadric and Brythric in the hands of his firmest supporter in the south of England. Godwine thus became the representative of Eadric, without being his relative by blood. The addition of *Cild* to a name generally seems to imply some sort of connection by blood, as in the case of Ælfric *Puer* and Eadulf Cudel *Child;* and, merely as a conjecture, I am inclined to connect Wulnoth *Cild*, the South Saxon, with the family of "Eadwine ealdorman in Sussex," whose death is placed in 982.

B.


Ælfgar, E. of E. Sax. d. between 951-953.
Æthelfled m. Edmund. ×
Ælfled m. Brithnoth, E. of E. Sax. d. 991. ×
Ordgar, E. of West Prov. d. 970.
Ordulf, Primas Domnoniæ, d. 1005.
Æthelwold, E. of E Ang. ×
1 m. Ælfthryth d. 999.
2 m. Edgar.
Ethelred.
Wulfruna, kin to Æthelmær.
Wulfrun.
m. Ælfhelm. E. of North-umbrians, d. 1006.
Wulfric, over N. Mercians? d. 1002.
2 Emma m. Canute
1 m. Ælfgyfu.
Hardi-canute. ×
Sweyn. ×
Harold Harefoot. ×
Wulfeah. ×
Ufegeat. ×
Eadgyth m. Morcar, d. 1015.
Eadgyth m. (1.) Siferth, d. 1015. × m. (2.) Edmund. ×

A represents the leading members of the House of Æthelred, the elder brother of Alfred, who at different times held the position either of Ealderman or Bishop; *B* the families connected by marriage, either with the king or with his kindred, and raised to a prominent position in consequence. All seem either to have died out, or to have been swept out of the way by Eadric and Godwine.

IV.

DUNSTAN AND HIS POLICY.

THE greater part of the history—or rather of the gossip and scandal, of a later age, passing current for the history—of the period in which Dunstan flourished, has been furnished by the biographers of the Archbishop; the later writers, as usual, affording the minutest and most marvellous accounts. Unfortunately, the advocates of rival theological dogmas, fighting the battle of their respective churches, instead of testing the truth of these stories, have been content with using them for the furtherance of their own views, thus burying the scanty relics of true history beneath the accumulated fictions of later years. All the accounts of Dunstan's early life are more or less mythical, but as every biographer and chronicler agrees in placing his birth at the commencement of Athelstan's reign, he could have been barely fourteen years of age at the close of it. It may be gathered from the charters that it was a common custom with parents of the highest rank to dedicate their children from a very early age to the royal service. Up to the age of seven a child was so absolutely in the power of the parents, according to the old law in England, that he could be sold as a slave; and he still remained under the authority of the father for seven years longer, before,

of his own will, he could become a monk or enter upon service. In a later age the aspirant for knighthood was supposed to pass his life between seven and fourteen as a page in some noble household, figuring during the next seven years as a *Damoiseau* or Esquire, a custom of which the germs had probably existed in different stages of society from time immemorial, though it is not necessary to suppose that the period of "seven years" was invariably insisted on. Accordingly, when we are told that Dunstan was present at the court of Athelstan, and subsequently in attendance upon Edmund, it merely means that he must have passed some of his earlier years in the same manner as many of his youthful contemporaries. He was placed in his childhood at Glastonbury, to which he appears to have returned, availing himself of his intercourse with the Irish pilgrims, who used to resort in great numbers to the monastery as the traditional resting-place of St. Patrick "the younger." The learning which he is supposed to have acquired at this period of his life was gained from "Irish books;" and it may be inferred from this passage in his earliest biographer, that if Dunstan conformed to any monastic rule in his earlier years, or introduced it into Glastonbury, it must have been of Irish or mixed origin, for the Benedictine rule was first taught to the monks of Abingdon at a later period by Osgar.[1]

Dunstan makes his first historical appearance in Edred's reign, when he witnessed a charter, dated in 946, as abbot, being at that time about one-and-twenty. Upon the death of his kinsman, Æthelgar, bishop of Crediton, in 953—the date is worthy of remark—the see was offered to Dunstan, but he declined it upon the plea, says his earliest biographer, that the obligations of the diocese would interfere with his duties in the royal service; for he appears to have filled at that time the all-important office of principal treasurer to the king. As there was evidently neither *Camera* nor *Camerarius* in Edred's reign, it seems to have been customary to confide the royal treasures to more than one place of security, and

[1] It was to Fleury that Osgar was sent by Æthelwold in Edgar's reign, and from Fleury the Benedictine rule, brought there about 939 by Odo, second Abbot of Clugny, was introduced into Abingdon. Had the rule been in force at Glastonbury, where Æthelwold, who was Prior, was educated *with* Dunstan—not *by* him, for Dunstan was his junior—such a course would have been unnecessary. "Quidam *clerici* de Glestonia," according to the life of Æthelwold, accompanied him to Abingdon, one of whom was Osgar, and Osgar the *clerk* of Glastonbury was sent to learn the Benedictine rule at Fleury. My authority for this portion of Dunstan's career is the work usually attributed to Bridferth, his earliest biographer, who dedicates his prologue "perprudenti archonti Ælfrico," apparently the prelate who filled the See of Canterbury from 996 to 1006. The writer was personally acquainted with Dunstan, and though strongly biassed against all who came into hostile contact with the archbishop, avoids the flagrant errors into which Osbern and others have fallen, and which are perpetuated in nearly every account of Dunstan's life. The archives of Canterbury were lost in a great fire soon after the Norman Conquest, and to this catastrophe we are probably indebted for a considerable number of fabricated charters, the most faulty of the Saxon chronicles (F.), and Osbern's Lives of Dunstan and Odo—if Osbern is guilty of the latter performance. Amongst other marvels he introduces Dunstan to the court of Athelstan as a prodigy of learning and sanctity under the patronage of Archbishop Æthelhelm, who died in the same year as Edward, and whose successor attests the charters of Athelstan in 926. The appearance of the learned and tonsured baby would have fully justified the "shrieking girls"—obstrepentes puellulæ—in charging him with magic.

Glastonbury was chosen as a place in which they could be deposited with safety. The chamberlain dates his close attendance upon the royal person from the age in which he was the purse-bearer, and the office which Dunstan seems to have held was scarcely compatible with a strict attention to the spiritual wants of the distant diocese of Devon. Edred seems to have been a martyr to disease throughout the whole of his reign. He had very little to do, probably, with the actual government of the kingdom, and the party with which Dunstan was connected seems to have been closely allied with the queen-mother, whose influence was evidently at this time all-powerful. Within a few days of Edmund's death, Dunstan was riding towards the court, according to the narrative attributed to Bridferth, and his companion was "Ælfstan dux primarius," or Athelstan of East Anglia, who was then the senior ealderman or Patricius. The ealderman was disturbed at a dream in which he had seen the king asleep amongst his courtiers, who were all transformed into goats; which foretold, according to the abbot, the approaching death of Edmund, and the future falling off of his nobility from the path of rectitude—a falling off that is explained by their conduct during the reign of Edwy. The story of the ride and of the dream points to the connection of Dunstan with the house of East Anglia, and to the support given by the leading nobility of Edmund's court to his elder son. When Dunstan was driven in disgrace from the court of Athelstan in his childhood, his banishment was principally owing, according to the same authority, to his own kinsmen; in his quarrel with Æthelgyfu even his own "disciples" combined against him; and from the hostility thus exhibited in these quarters, it may be safely assumed that Dunstan had allied himself with the party in the State opposed to the leading nobility of Wessex, who were the principal characters around the throne during the reigns of Athelstan and Edmund.[1]

[1] That Æthelgar of Crediton, Dunstan's kinsman, was often confounded with Æthelgar of Selsey, his successor in the primacy, may be seen from the list of bishops appended to Florence; and in consequence of some such confusion, Osbern has substituted the name of Ælfeage of Winchester for Æthelgar of Crediton. Wulfhelm and Odo attested a charter, dated 24th July 941, as Archbishop of Canterbury and Bishop of Ramsbury. In the following year Odo signs as archbishop, but the signature of Osulf as bishop of Ramsbury is not found before 953, an Ælfric filling the See during this interval, whose signature first occurs in 942, and disappears after 951. Ælfric of Sherborn died in 941 (*Flor. Wig.*), and the See was then filled by Wulsige (*Cod. Dip.* cccxcii. mcxxxix.) Malmesbury places the death of "Bishop Ælfric, who had been Abbot of Glastonbury," in 988; but he is in error, for the Bishop Ælfric, whose signature is missed from the charters about that time, had been a frequent witness as Abbot of Malmesbury. The only Ælfric Abbot of Glastonbury was the predecessor of Dunstan, and if he succeeded Odo in the See of Ramsbury, the appointment of Dunstan to the abbacy may be placed in 942, when he was seventeen years of age. Upon the death of Athelstan, Dunstan was "inter Regios proceres et Palatinos Principes electus" by Edmund, says Bridferth; in other words, as he was just fourteen, the king placed him in the royal household to be trained for a "cynings-thegn." His kinsman, Ælfeage, Bishop of Winchester, advised him to become a churchman, but as the devil "mulierum illi injecit amorem," he had no vocation for the church until after a seasonable fit of illness, when his high connections secured him an abbacy at the age of seventeen. "Maluit sponsare *juvenculam* cujus cotidie blanditiis foveretur, quam more monachorum bidentinis indui panniculis." A little romance has been founded upon this passage in Bridferth, but Lingard views it disapprovingly, nor is there any reason to suppose that the "mulierum amor," instilled by the devil, was concentrated upon any individual "juvencula."

Feeling the approach of death in the autumn of 955, Edred sent for his treasures that he might dispose of them amongst his own friends. Dunstan and the other keepers of the royal property hastened to the court, but the king was dead before their arrival, and their charge, of course, fell into the hands of his successor. The first blow was aimed by the party now in power against the queen-mother—"Edred died, and Eadgyfu was bereft of all her property," are her own words—whilst Dunstan soon brought down upon himself the enmity of one who, by her influence over the reigning sovereign, may be looked upon as the successor of the queen-mother. According to the earliest version of this well-known story, the absence of Edwy from the coronation banquet was commented upon by Odo, but as the attendant nobles declined to interfere, Dunstan was deputed with Cynsige, Bishop of Lichfield, to bring back the truant prince, whom he found in the company of Æthelgyfu and her daughter Ælfgyfu. Æthelgyfu was a woman of the very highest rank, who, according to the rather vague scandal of a later age, sought to gain an influence over Edwy, either for her daughter or herself,—or for both,—and Bridferth has drawn a very warm picture of the scene from which the indignant abbot snatched the king—a picture, however, that a very slight examination will prove to be exaggerated. When Athelstan died in the month of October, Edmund, who was killed in May, after a reign of six years and a half, was eighteen years of age. His brother Edred died in November, after reigning nine years and a half, so that sixteen years had elapsed between the death of Athelstan and the accession of Edwy, whose father, had he been alive, would have been four-and-thirty years of age. Granting the evil disposition of the son of a father of that age, his sins would have been those of a boy, and would scarcely have displayed the precocious immorality that has been attributed to him. His brother Edgar was at this time twelve, and the words of Eadgyfu, "they said to *the child* Edwy, who was then chosen king," prove him to have been not much older—indeed, she scarcely seems to attribute much blame to her grandson. That Æthelgyfu, in order to perpetuate her influence over the young prince, endeavoured to promote a marriage at some later period between Edwy and Ælfgyfu is more than probable, for two or three years afterwards, when the king may be supposed to have been sixteen or seventeen, Odo separated him from Ælfgyfu, "because they were too nearly related," says the Saxon Chronicle. That Dunstan upon entering the chamber of Æthelgyfu, found the crown upon the floor, and the young cousins engaged in play; that when the abbot used force, Edwy took refuge in the lap of his elder relative; that the woman and the girl, throwing their arms around the neck of the struggling boy, clung to him with the tenacity of fright and anger,—all this is very probable. Dunstan may have been actuated by the best of motives, Æthelgyfu may have been violent and intriguing, unscrupulous and ambitious; but common sense must acquit her of the coarse and disgusting immorality that has been laid to her charge, and the accusation

against her may probably be traced to exaggerated versions of an unseemly struggle between two frightened children, an angry woman, and an ecclesiastic.[1]

The anger of Æthelgyfu was not immediately gratified, for the signature of Dunstan is attached to charters dated in 956, and he was probably supported by very powerful friends. But he had enemies in an unexpected quarter, as his earliest biographer acknowledges, who wonders less at "the madness of that furious woman than at the hidden machinations of his own brotherhood—discipulorum—who with secret treachery were consenting parties to his downfall." Evidently unpopular in the south country, he was outlawed, and took refuge in a monastery at Ghent, from whence he was recalled in the following year, when Edgar, at the age of fourteen, was called to rule over the provinces to the north of the Thames. A tissue of misrepresentations has overspread the reign of Edwy, owing to the violence of the later biographers of Dunstan. He is said to have banished his kinsmen from around the throne, an assertion that is contradicted by every grant and charter in his reign. The majority of Edmund's nobles "lapsed from the path of rectitude," according to Bridferth, or, in other words, adhered to the elder son of their dead master. He is accused of dissolving the monasteries of Glastonbury and Abingdon, and of banishing the Benedictines from England; yet he was the earliest benefactor of Abingdon, for his grants of Ginge and other lands in 956 are realities, whilst the charter of Edred dated in 955, and witnessed by Oscytel, as Archbishop of York, is a forgery. Æthelwold, "father of the monks," with Ælfric of Malmesbury, and two other abbots, attest his latest charter dated in 959; the clergy, as well as the laity of Wessex were his staunchest supporters—Ælfwold, recommended for the see of Crediton by Dunstan, Daniel, and Brithelm of Wells, amongst the bishops of his party, are claimed by Malmesbury as alumni of Glastonbury—and there were no Benedictines at that time in England to drive away. The struggle between Secular and Regular began in the reign of Edgar, and was antedated long afterwards in order to throw odium upon Edwy. If Dunstan was numbered amongst the supporters of Edgar, Edwy could point to Æthelwold as his follower, for the contest

[1] *Thorpe, Diplom.*, p. 203; *Chron. Sax.* (D.), 958. The flight of Edwy from Gloucester and the ham-stringing of Æthelgyfu, first appear in Osbern and Eadmer, and devils carry away Edwy's soul. "Both perfectly agree," writes Lingard, "and it is plain that neither had seen the ancient Life of Odo." One has copied the other, in other words, and "the ancient Life," unknown at Canterbury—unknown, apparently, to Malmesbury, who was familiar with Osbern's writings—was not at that time written. In "the ancient Life" Edwy is married, and Odo, "Phineatico zelo stimulatus," descends unexpectedly upon a royal vill, ejects the lady whom he finds there, and drives her out of the country. Next she is branded and banished to Ireland,—as Ælfgyfu,—returning to be hamstrung and murdered at Gloucester in 957. Who was the wife? Of all these additional circumstances the Saxon Chronicler and Bridferth were totally ignorant. The elder lady is the heroine of the earlier accounts, in which may be detected some truth overlaid with much scandal and exaggeration. The younger lady figures in the later story, from which truth has vanished altogether. Thus are the scanty facts of history often buried under the fabrications of interested writers. I have hazarded a conjecture as to the real position occupied by Æthelgyfu in *Note A.*

was fought upon political grounds, and not about a question of ecclesiastical discipline. Æthelwerd, the friend and contemporary of both princes, has left upon record that Edwy was "a king deserving to be loved," but beyond a passing allusion to his extreme beauty, is silent about the events of his reign. Edwy, indeed, died at too early an age for his real character to be known, and he and his brother Edgar were mere puppets in the hands of two rival factions, each striving to rule in the name of one or other of the youthful princes.[1]

Dunstan was now archbishop. In the monastery at Ghent in which he had passed his exile, secular canons had been replaced by Benedictines about twelve years before he was received there—or in 944—and he is supposed to have obtained from the Pope full authority to carry out a similar reform in his own country. Yet he held the see of Canterbury for nearly seven-and-twenty years, and never introduced a Benedictine into the diocese. *Clerks* accompanied Æthelwold from Glastonbury when he revived the monastery of Abingdon a year or two before the banishment of his abbot; *clerks* welcomed the new archbishop to Canterbury, and remained in unmolested possession of Christ-Church until the time of Archbishop Ælfric. Dunstan may have acquired a knowledge of the Benedictine rule at Ghent, but if he conformed to it in his own person, he never enforced its observance in any of his dioceses. Our venerable Abbey of Westminster, when a parvenu amongst monasteries, and in search of a pedigree, sought to affiliate itself upon the archbishop; but the extraordinary inaccuracies in the charter of the supposed reviver of the monastery stamp it as the fabrication of a very late age, and even legend has failed to ascribe any other monastic foundation to Dunstan. If, therefore, he is to be judged by the writings of his own biographers, and by the history of the period as it has come down to us, he must be pronounced lax and indifferent, both as a monk and as an archbishop; for what else can be said of a Benedictine metropolitan who, supported by his king, and empowered by the Pope to effect a reform in the Church

[1] *Cod. Dip.*, cccclxxix., mclxxi., mcxciv., mccxvi. Edgar's signature is attached to a charter of Edwy, dated 9th of May 957, so that the separation must have taken place after that date. Odo attested two out of four charters dated in the same year, but *after* the separation. His signature is also attached to a charter dated in 958, the year of his death, so that he, as well as Æthelwold, is to be numbered amongst the supporters of Edwy (cccclxv., cccclxvii., cccclxviii., mccxiii.) I cannot, however, look upon mccxxiv., dated 17th May 959, and witnessed by Odo and Eadgyfu, as genuine. According to her own testimony, Eadgyfu was not restored to her former position before Edgar's accession; and as Odo died on the 2d of June, and Edwy on the 1st of October, too short a time is allowed for the events that happened between the deaths of the archbishop and the king, if the death of Odo is placed in 959. His successor, Ælfsige, was lost upon the Alps in going to Rome for his pallium—or in returning from Rome—and a double journey of this description, including the time spent at Rome, required at least seven or eight months. He was probably crossing in spring, at the most dangerous time of the year. His signature is attached to six out of seven of Edwy's charters dated in 958, but is missed in 959. Brithelm, bishop of Sherborne—he succeeded Wulsige in 958, and was moved on to Winchester when Odo died—was then appointed to the see, but Edwy died before the archbishop-elect could start for Rome, his appointment was annulled, and Dunstan became archbishop in his place. Dunstan witnessed two of Edgar's grants in 959, and started for Rome in 960.

committed to his charge, contents himself with allowing two other prelates to carry out, within their dioceses, the changes which he does not trouble himself to introduce into his own? Yet a change was brought about in his own diocese, and a very significant one. The Ealderman disappeared from Kent in Dunstan's days, but he existed in Sussex until 982, in the person of Eadwine, who died in that year. Eadwine is stigmatized in a charter as "God's adversary," because he and "the folk . . . compelled the bishop (of Rochester) to give up the charters;" no more of "God's adversaries" were appointed to the south-eastern provinces, and when Kent, Sussex, and Surrey next appear, they form together a great ealderdom, held "under the king's hand" by the archbishop of Canterbury.[1]

Dunstan in reality seems to have been much more of a statesman than of an ecclesiastic. Presented to an abbacy at a very early age, through his high connections, he seems to have turned his attention to "Irish books," poetry, and music. He was celebrated for his performance on the harp, and for his fondness for old ballads, predilections that seem scarcely to be reconciled with a character of an austere and ascetic turn. The secular canons slept in peaceful security until the appointment of Æthelwold to the bishopric of Winchester. It was Æthelwold who was known as "the father of the monks;" it was Æthelwold upon whom Edgar and his queen Ælfthryth bestowed the manor of Sudborne in return for rendering the Benedictine rule into "the English idiom." Edgar, who had been as indolent in the matter as his archbishop for the first four years of his reign, married the widow of the East Anglian ealderman in 964, and in the same year Wulstan at-Delham, a thegn of the Eastern Counties, whose name is of frequent occurrence in the histories of Ramsey and Ely, bore to the bishop of Winchester the royal sanction to commence his reforms, which Æthelwold carried out unhesitatingly. He was in earnest, and in a very short time Benedictines replaced the secular canons in every part of his diocese, the reform penetrating into the county of Surrey,

[1] *Cod. Dip.*, mccxxiii.; *Thorpe, Diplom.*, p. 266; *Leg. Eth.*, ii. 1; *Chron. Sax.*, 982. Ælfwic, abbot of Westminster, affixed his signature to a charter in 997, and in the following year Leofwine, Wulfstan's son, willed some lands "into Westminster" (dcxcviii., mccxciii.) Legend gives the name of Wulsige to the abbot appointed by Dunstan and to the anchorite who expressed the will of St. Peter to the Confessor. Edward proposed to sacrifice the see of Worcester for the aggrandizement of his favourite foundation, granting the diocese to York "regio munere;" but his scheme was frustrated by the Pope, who would only give the pall to archbishop Ealdred upon his resigning the see of Worcester. A bishop, accordingly, was chosen for the diocese "rege videlicet annuente ut quem sibi vellent præsulem eligerent (*Flor. Wig.*, 1062), and in the reign of Rufus, the claims of York upon Worcester were compounded for the Abbey of St. Oswald at Gloucester (*Monast.*, vol. viii.) A number of fabricated charters owe their origin to this summary treatment of the diocese of Worcester, the Westminster forgers endeavouring to give the sanction of a high antiquity to grants which they probably owed to the bounty of the Confessor, whilst the Worcester scribes busied themselves, with a greater show of justice, in preparing documents to support their own claims. Forgetting, however, that the old Episcopal Minster was dedicated to St. Peter—or perhaps ignoring the fact for purposes of their own—the apocryphal donations were generally bestowed upon St. Mary's, the foundation of Oswald; and when a grant is made to St. Mary's before the latter portion of the tenth century, it must be looked upon with much suspicion.

and only stopping short in that direction when it reached the frontiers of the see of Canterbury. Five years more were suffered to elapse before a similar course was followed in the diocese of Worcester, which had been peacefully held for about eight years by the nephew of Odo, and protégé of Dunstan—his signature, as bishop, first appears in 961—but Oswald seems to have acted after a different fashion from Æthelwold. A high-handed policy was that of the bishop of Winchester. "Conform to the rule, or give place to the monks who profess it." Such was the alternative he offered to the secular canons, and if his biographer is to be believed, he narrowly escaped being poisoned for his zeal. Oswald built a church, which he dedicated to the Virgin, introducing a colony of monks to officiate in it when completed, whilst the old cathedral church of St. Peter, which was close by, was still served by the secular clergy. The ministration of the Benedictines proved the most attractive, people thronged their church, neglecting St. Peter's, and many of the secular clergy were gradually won over to conform to the rule; but no compulsion seems to have been used, for the very latest of Oswald's charters still continued to be attested by *clerks*, and thirty years after his death the *congregation* of the Old Minster was still distinct from the *brotherhood* of the monastery of St. Oswald. The Benedictines were introduced into the diocese of Worcester, but the secular clergy were not violently expelled; and when Oswald succeeded his kinsman Oscytel in the see of York—Æthelwold the archbishop-elect, like Brithelm and Feologild, being quietly set aside—he limited his reforming zeal to his Mercian diocese, and, like his friend and patron Dunstan, conformed to the exigencies of the case, and left the seculars upon the northern side of the Humber at peace. In this he may be supposed to have followed out the system of Dunstan, who, we are told, "decided that a mass-priest, if he had a wife, was entitled to no other *lade* than belonged to a layman of equal birth." Accordingly, "the secular priest who follows no life of rule" only ranked with the deacon; he was no longer "worthy of thegn-wer and thegn-right," the privileges of "the mass-priest living according to rule;" but he was not expelled from his "shrift-district" any more than the secular canons were expelled from their minsters, except in the diocese of Winchester. He was admonished, and forfeited his privileges, if he chose to retain his wife. The policy of Dunstan, faintly as it can be traced, appears to have been conciliatory rather than violent, and it seems possible to detect this influence in the State, even more than in the Church.[1]

[1] *Chron. Sax.* and *Flor. Wig.*, 964, 969; *Hist. El.*, 46, 48, 49; *Cod. Dip.*, cccclxxxvii., mcccxvii.; *Leg. Eth.*, v. 9, ix. 19-21; *Edg. Canons*, p. 257. In the Canons of Edgar (M. I. P. 26, 28), the mass-priest and monk are reckoned on the same footing; below them the deacon, and then the clerk. The Life of Æthelwold attributed to Wulstan, and that of Oswald by Eadmer, are also among my authorities. "Oswald," says Dr. Lingard, "became archbishop of York, and though he held that high dignity during twenty years, we do not read that he introduced a single colony of monks, or changed the constitution of a single clerical establishment within the arch-diocese." The same authority elsewhere writes, "The monks obtained possession of the cathedrals of Winchester and Worcester; but the other Episcopal churches remained in the hands of the clergy, and were retained by them, with one exception, till the

Sitric, king of the Northumbrians, who married one of Athelstan's sisters, died in 927; Athelstan annexed his dominions, and for the first time in English history the signature of an archbishop of York was affixed to the grant of a south-country king. For ten years the princes of the Welsh, the Danish nobles, and the two northern prelates, appended their names to the charters of Athelstan, but in and after 937 their signatures are no longer to be found. Eric Blodœxe, son of Harald Harfager, ruled over Northumbria at this period, according to the account handed down in the Heimskringla, and the testimony of the Icelandic Saga is strongly corroborated by this silence of the charters. The great victory of Brunanburgh delivered Athelstan from the confederacy of Scandinavian Scot and Briton, but his power over the north of England received a shock from which it never entirely recovered. The name of Wulfstan appears after a lapse of six years, in 942, about which time the Five-Burghs seem to have been won back from the Northmen. It is again found in 944, or in the year in which Olave Sitricson, and Ragnal Godfreyson were driven out of Northumbria—by Wulfstan and the Mercian Ealderman, according to Æthelwerd—but the signatures of the Welsh and Danes are never appended to any of Edmund's numerous charters. They reappear, in company with Wulfstan, in one of Edred's charters, dated in 946, and are then again missed until 949. Between these dates Eric, or Hiring, a son of Harald Blaatand, established his dominion over Northumbria; for Harald, who was in Normandy about 945, after regulating the affairs of the Duchy, seems to have turned his attention towards re-establishing the power of the Skioldings over the north of England. Eric was abandoned by his new subjects in 949, the Welsh, the Danes, and both the Northumbrian prelates unite for the last time in attesting a charter of Edred in the same year, and Olave Sitricson re-appeared to assert his claim upon his father's kingdom. Olave was again replaced by Eric Haraldson, about three years afterwards, and Wulfstan was thrown into prison. From the very first the archbishop had sided with Olave against Edmund, when he arranged with Odo to divide the kingdom between the two princes. By withdrawing his support from Olave and Ragnal, he seems to have placed Northumbria at the feet of Edmund; but the subsequent elevation of Eric Haraldson to the throne may probably be attributed to his intrigues—perhaps also the return of Olave. Wulfstan remained in prison for the next two years, but he was released upon the death of Eric Haraldson, and from that time forward—much about the time when Dunstan declined the see of Crediton—a novel policy seems to have been inaugurated.[1]

close of the Anglo-Saxon period." A passage in Bridferth, in which he says that Dunstan held the sees of Worcester and London for many years, has been used against the archbishop; but the signatures of Oswald and Ælfstan, as bishops of Worcester and London, appear in 961, and they were probably appointed upon the return of Dunstan from Rome.

[1] *Chron. Sax.*, 926, 927, 944, 948, 949, 952, 954; *Sim. Dun.*, 939; *Heimsk. Saga*, iv. c. 3; *Cod. Dip.*, ccccxi., ccccxxix.; *Ad. Brem.*, ii. 22. "Anglia, ut supra diximus, et in gestis Anglorum scribitur, post mortem Gudredi, a filiis ejus Analaph, Sigtrib, et Reginold, per annos

The Danish prince perished by treachery upon Stanemoor, and the reward of the treason, the ealderdom of Northumbria, is said to have been conferred upon Osulf, whose name, occasionally met with in the charters with the title of *Heah-gerefa*, from the date of his appointment, disappears altogether. Oslac was made Eorl over the Danes some ten or twelve years later, but the expressions in Edgar's Laws reveal the real state of independence in which that people were permitted to remain. "Let secular rights stand amongst the Danes, with as good laws as they best may choose. But with the English, let that stand which I and my Witan have added to the dooms of my forefathers." The Witan had no jurisdiction over the Danes, and the civil institution of the Hundred was the solitary law which they were invited to share with the rest of England —"and this I desire, that this one doom be common to us all, for security and peace to all the people." The complete independence thus insured to the Danes was in return for "the fidelity you have ever shown me." Left to themselves, they had no longer any reason for insurrection, but, accepting Edgar for their sovereign, enjoyed the privilege of the most complete self-government. Even the institution of the Frith-borh stopped short upon the northern frontier of the Danelage; and as neither Wapentake nor Hundred has ever penetrated into the northernmost counties of England, or into south-eastern Scotland, the Anglo-Northumbrians under Osulf would appear to have enjoyed a similar, if not a greater immunity from the jurisdiction of the Witan. From this time, also, the signatures of the Welsh princes disappear from the charters of the English kings. Morgan and Owen, Siferth and Jago, attached their names to a grant of Edred in 955, but not a single Welsh prince ever attests a charter in the reigns of Edgar or of his sons, nor does an attempt seem to have been made upon the English coast from the side of Ireland. Coins of Edgar were minted at Dublin, where Olave Sitricson, the old opponent of Edgar's father and uncles, ruled during the whole of his reign; it is not unlikely that the Irish Norsemen supplied him with a fleet; and the good understanding between the Danes of Ireland and the English kings remained unshaken at the time of the Norman Conquest, their bishops looking upon the Archbishop of Canterbury as their Metropolitan. From the date of the coalition between Olave Sitricson and Constantine, his Scottish father-in-law, until the death of Eric Haraldson upon Stanemoor, twenty years were passed in a continual struggle between Dane and Angle. Half of England was wrested from the brother of Athelstan, and hardly won back again at his death. Then upon the release of Wulfstan all is peace, and the

fere centum permansit in ditione Danorum. Tunc vero Haroldus, Hiring filium cum exercitu misit in Angliam. Qui subacta insula tandem proditus et occisus est a Nordumbris." Elsewhere the same annalist writes, "In Angliam quoque miserunt unum ex sociis Halpdani, qui dum ab Anglis occideretur, Dani constituerunt in locum ejus Gudredum. Is autem Nordimbriam expugnavit. Atque ex illo tempore Frisia et Anglia in ditione Danorum esse feruntur. Scriptum est in gestis Anglorum," Lib. i. c. 41. These expressions are very strong, and show how the history of the period was regarded from a Danish point of view.

contemporary Æthelwerd, and the earlier chroniclers of Edgar's reign, have nothing to record beyond his coronation, his covenant of alliance with six kings at Chester, and his death. It was an era of regulation and reform in Church and State, both apparently standing in need of some sort of change after the wars and troubles of the preceding generations. Within the frontiers of Anglo-Saxon England Edgar and his Witan, and Edgar and his Archbishop, busied themselves with novel dooms and canons; whilst the king, satisfied with the acknowledgment of his supremacy, seems to have left the Danes and Northumbrian Angles to legislate for themselves both in Church and State. Hence Oswald limited his reforming energy to his diocese in English Mercia, and when he crossed the Humber as archbishop, permitted the secular canons and married priests to remain unmolested. "If a priest forsake a woman and take another, let him be excommunicated." Such was the law amongst the Northumbrians, whose priests were thus enjoined to retain their wives, whilst celibacy and the rule were preached by their pastor to their brethren in the diocese of the Hwiccas. It was Ælfric who, in the eleventh century, and in the name of Archbishop Wulstan, first enjoined the doctrine of celibacy upon the married clergy of Northumbria.[1]

If we may trust to Eadmer, the revolt of the northern subjects of Edwy was occasioned by the oppression and injustice of his rule; and there may be truth in this account if, for the childish king, we substitute the dominant party in the State ruling in his name; but the unpopularity of his government was confined to the people upon the northern bank of the Thames. The Læn-lands of the Crown, which fell in upon the death of a king, might be disposed of by his successor without any reference to their former holders; charters granted by the king and his witan in a former reign might be refused confirmation by the succeeding king and his witan; and the "spoliation and disinheritance" attributed by Eadmer to Edwy may have consisted in arbitrary measures of this description, carried out in his name. As the majority of his father's nobility, however, adhered to Edwy, the "spoliation" could scarcely have been carried on in the south-country, though, if such a course were pursued for two years beyond the Thames, it may easily have led to the revolt of the Mercians.[2] Alfred was always conciliatory in his conduct towards the people from amongst whom he chose his queen, and Mercia supplied him with an archbishop in Plegmund, and a literary friend and adviser in Bishop Werfrith. He bestowed the hand of his daughter Æthelflæd upon Ealderman Æthelred, giving him London also after it was rebuilt; and it is evident that, until the death of "the Lady of the Mercians," the province enjoyed a liberty of self-government little short of independence. But the policy of Edward

[1] *Sim. Dun.*, 954; *Chron. Sax.*, 966, 973, 975; *Edg. Sup.*, 2, 12; *Leg., N.P.*, 35.

[2] "Possessiones plurimorum diripere, hos et illos exhereditare"—such are the expressions of Eadmer. Bridferth, who was ignorant of the flight from Gloucester, and the indignities inflicted upon Æthelgyfu—or Ælfgyfu, for the elder and younger ladies are generally confounded with each other—only says that Edwy was deserted by the "populus brumalis."

seems to have been different. Upon the death of his brother-in-law he seized upon London, Oxford, and all the district which he incorporated in the revived diocese of Dorchester—it once belonged to Wessex, he may have argued. Upon the death of his talented sister, her child, the grand-daughter of Alfred, "was deprived of all dominion over the Mercians, and carried into Wessex," and of her subsequent fate we know nothing. Werfrith was replaced in the see of Worcester by Cenwald, claimed by Malmesbury as an alumnus of Glastonbury; Cynsige, bishop of Lichfield, was Dunstan's kinsman; and as the Mercian bishoprics seem to have been filled with prelates of West-Saxon origin, it may be presumed that the secular authorities, the ealdermen and king's-reeves, were frequently of the same race. Upon the death of Archbishop Wulfred, in Egbert's reign, the election of Abbot Feologild seems to have been quietly set aside, Ceolnoth, a West-Saxon, was ordained—he was either a layman, or in minor orders—and raised to the vacant see, and with Ceolnoth secular canons were introduced, and West-Saxon rule; in other words, whilst Mercia and East Anglia retained their kings of native origin, Kent, Sussex, and Surrey were thoroughly and permanently incorporated with Wessex, and treated as the appanage of some junior member of the royal house. Edward, and his son Athelstan, may have thought the time had arrived for eradicating the remains of nationality from English Mercia, and incorporating it in a similar manner with Wessex. But a policy that is acquiesced in under the rule of able statesmen and victorious soldiers, with an enemy in close proximity, may be viewed in quite another light when, after abandoning it for a time, it is revived, and carried out in its harsher features by a dominant faction, ruling in the name of a child. An era of internal and external peace was the immediate result of a return to a more conciliatory policy, which may be attributed, I think, to Dunstan; for it is quite in keeping with his character, from the little that can be gathered from authentic records, however opposite such a policy may appear to the picture that has been left of the archbishop, especially by his later biographers.[1]

NOTE A.

THE custom of fostering must have been of great antiquity amongst the Anglo-Saxons, for in Ini's Laws the *Child's-fosterer* is mentioned with the Reeve and the Smith, amongst the followers whom the Gesithcundman, on quitting his land, might take away with him. It was still prevailing in high quarters in the eleventh century, for Athelstan the Ætheling, one of Ethelred's sons, mentions with much affection in his will "Ælfswyth my foster-mother," as well as "Ælfthryth my grandmother who reared me." The evils of the custom are dilated on by Giraldus in his description of Wales, for in a state of society in which the sons of a king, or prince, were fostered, if

[1] It is only in F that the election of Feologild is noticed. The older chronicler ignores it altogether. "Ceolnoth was chosen bishop and ordained. . . . *Abbot* Feologild died." Feologild was *gehalgud*, or consecrated; Ceolnoth was *gehadod*, or ordained. The difference is worthy of remark.

the father died suddenly, or prematurely, each fosterer was apt to support the claim of his own adopted child upon the succession. The foster-mother of Edgar, according to the historian of Ramsey, was the wife of Athelstan the Half-king, Ealderman of East-Anglia, a tie that throws a light upon the close connection existing subsequently between Edgar and the sons of Athelstan, his foster-brothers. Edwy, the elder Ætheling, must assuredly have been placed under the charge of some lady of equal position, and the exalted rank of Æthelgyfu, who was closely connected with the royal house, seems to point to the probability that she may have stood in the position of foster-mother to the eldest son of Edmund. The influence she seems to have exercised over the motherless child from the very first, the immediate banishment of Eadgyfu, whose position she would hope to occupy, and her hostility against Dunstan, who appears to have been on friendly terms with Eadgyfu and the house of East-Anglia, all seem to point to the probability of the supposition.[1]

A document purporting to be the will of Æthelgyfu, which is usually ascribed to the queen of Edmund, begins in a manner that can scarcely be reconciled with such a supposition; "Ego Æthelgive aperio domino meo regi, et *reginæ dominæ meæ*." What queen was "the lady" of Edmund's queen? The will goes on to leave a heriot to "my lord the king," and another heriot to "my lady the queen," bequests hardly in keeping with the position of Edmund's wife and queen. "To Leofwine, my nephew, a hide at Clifton . . . and let Leofsige have the land at Offanlege . . . and bequeath it to his son, if he have a son by his wedded wife; if not, let it go to St. Albans, except the part where Cuthulf sits, and Æthelferth and Æthelswyth, *illa dabitur filiæ dominæ suæ Ælfgive*, si adhuc vivit." To the daughter of his lady, Ælfgyfu—to his daughter and lady, Ælfgyfu—to Ælfgyfu, the daughter of his lady: in which way is the passage to be rendered? In the earliest grant made by Edwy, a munificent donation of a hundred hides to the convent at Wilton, received "cum magno gaudio" by *Ælfgyfu*, who affixed her signature as *Magistra*, lady or proprietress of the convent, the first to sign after the Ealdermen was "Leofwine, propinquus regis," taking precedence of Ælfhere and Ælfheah, kinsmen of the king and subsequently Ealdermen. Leofwine must have held the foremost position in the Court of the young king, "nuperrime rex." Was he the nephew of Æthelgyfu? Is this magnificent donation to Ælfgyfu to be looked upon as the first provision made for her own family by Æthelgyfu?[2]

The will of Ælthelgyfu seems authentic, but scarcely the signatures, for Edgar the Ætheling is surely out of place. If "Edwardus rex" is to be changed into "Edmundus," Edgar was a baby at the date of his mother's death; if it stands for "Eadwig," the signature of Edgar would have been hardly affixed to the testament of Æthelgyfu. But the will as it stands is only a copy. "Let Leofrune have the land at Watford, and at Weotuñe two men and eight oxen, etc."—no original will would have closed with *et cetera*; and the occasional difference between an original document and a copy will best be shown by a reference to the grant of the lands of Cooling and Osterland to Canterbury by Eadgyfu. The tenor of the original Saxon document is as follows:—"Eadgyfu makes known to the Archbishop and Convent at Christ-Church how her land came to her at Cooling. . . . The two sons of Goda . . . took from Eadgyfu the lands at Cooling and Osterland . . . Edgar restored her property . . . Eadgyfu then . . . took the

[1] If Æthelgyfu was the foster-mother of Edwy, a marriage between Ælfgyfu and her foster-brother would have been considered inadmissible in that age. It is difficult to point out any relationship by which she could have been too closely connected with the royal house.

[2] *Cod. Dip.*, ccccx., ccccxxxvi. The second charter of Edwy is a grant of twenty hides to his kinsman Ælfhere, descended "a carissimis prædecessoribus." He soon became Ealderman of Mercia. The name of Leofwine disappears from the charters, and the foremost position amongst the *Ministri* is generally occupied by Ælfheah, Ælfeage, and Æthelmær, the two first of whom appear amongst the recipients of grants of land as "kinsmen of the king," and Æthelmær was probably the Ealderman who subsequently presided over the Central provinces between 971 and 983. Edwy was clearly in the hands of his immediate kindred, the leading aristocracy of Wessex.

charters, and delivered the lands to Christ-Church, and with her own hands laid them on the altar." In the Latin translation there are noticeable divergences from the original. "A.D. dccccIxi. Ego Eadgiva regina . . . concedo æcclesiæ Christi in Dorobernia, *monachis* ibidem Deo servientibus, Meapeham, Culinges, Leanham, Peccham, Fernlege, Munccetun, Ealdintun . . . scilicet *Ódoni* . . . et familiæ Christi, id est, *monachis* in Dorobernia civitate . . . Ego autem . . . *omnes* terras meas et libros terrarum propria manu posui super altare Christi." Odo was dead before Edgar was king, and monks were not introduced into Christ-Church before the time of Archbishop Ælfric. To Dunstan and the secular clergy Eadgyfu "made known" her gift of Cooling and Osterland, but in endeavouring to give a title to a number of other lands, and vest the whole in the monastic foundation, the later scribe has added a number of inaccuracies to the supposed translation of an authentic document. So the St. Albans scribe, to establish the validity of a document by which his monastery held certain lands, may have added a number of conjectural witnesses to the will of Æthelgyfu. It is not improbable that in the original the witnesses may have been altogether wanting—it may never have been confirmed.[1]

The convent at Wilton is supposed to have been given by Edgar to Wulftrud, but the charters are silent upon this point, and the name of "the king's daughter" is connected with the nunnery at Winchester. But in 966 Edgar gave ten hides at Newnham, "cuidam *matronæ* ingenue que mihi affinitate mundialis cruoris conjuncta est . . . *Ælfgyfu*," and the land at Newnham Ælfgyfu bequeaths in her will to "the Ætheling." She desires her body to be buried at the Old Minster at Winchester, leaving gifts to the New Minster, and to the Nun's Minster, as well as to the Minsters at Ramsey, Abingdon, and Bath. Lands and torques she bequeaths to her royal lord, torques and a sop-cup to her royal lady, with the land at Teafersceat to Bishop Æthelwold, to pray for her soul and the soul of her mother. Who was this kinswoman of Edgar, the *matron* Ælfgyfu, who desired the prayers of Æthelwold, bishop of Winchester, for the soul of her mother—of Æthelwold once abbot of Abingdon, the first ecclesiastic who received a grant of land from Edwy, to whose latest charter his signature is still attached? Was she the widow of Edgar's brother?[2]

NOTE B.

In connection with Abbot Ælfric, one of those curious "developments," of which it is sometimes interesting to watch the growth, may be noticed. There were four Ælfrics who are occasionally confounded: Ælfric, abbot of Malmesbury, who became bishop of Crediton; Ælfric, abbot of St. Albans, subsequently bishop of Ramsbury, and afterward archbishop of Canterbury; Abbot Ælfric, and Ælfric Bata, who writes of the former as "Ælfric Abbas, qui meus fuit magister." Abbot Ælfric describes himself as the *alumnus* of Æthelwold, in whose school he passed many years, as he tells the brotherhood of Eynsham, founded in 1005 by his friend Æthelmær (*Cod. Dip.*, dccxiv.) For the father of Æthelmær, the Patrician Æthelwerd, he translated the Heptateuch. For archbishop Sigeric he compiled a volume of homilies, and another of sermons, submitting both for his correction. By Ælfeage, the successor of his master Æthelwold in the see of Winchester, and subsequently archbishop of Canterbury, he was sent to superintend the minster at Cernel. He wrote his "Canons" for Wulsige, who held the see of Sherborne between 978 and 1002, and his "Pastoral Epistle" for

[1] Thorpe, *Diplom.*, pp. 201-206.

[2] *Cod. Dip.*, dxxvi., dccxxi., ccccxlii., ccccxliii., ccccIxxix. In a forged charter attributed to Edgar, and dated in 974 (dlxxxv.), Wilton is given "diminatis inde earum spurcitiis quæ deum irritare potius quam digno videbantur cultu venerari, cuidam venerabili Abbatissæ *Wulfthryd* nomine . . . cum Cheolca." Here Wulftrud is supposed to have received Wilton, with the hundred hides *æt Ceolcum*, granted by Edwy to Ælfgyfu. Has any confusion arisen between the historical Ælfgyfu and the somewhat mythical Wulftrud?

Wulstan, who was Archbishop of York from 1002 to 1023. Abbot Ælfric, therefore, was regarded in his own days, by the clergy as well as by the laity, as in a certain sense the spokesman, or foremost writer, of the English Church; or at any rate of the severer body of the monastic clergy, brought up in the school of Æthelwold. His doctrine about "the Housel" is well known—"the Housel is Christ's body, not bodily but spiritually." It appears in the works submitted to Sigeric for correction, and was *not* corrected, for it again appears in the Canons he wrote at the request of Wulsige. A letter from Dunstan, addressed to this very Wulsige, is still preserved; and as the bishop of Sherborne, who was a *discipulus* of Dunstan (and according to some accounts the first abbot of Westminster), applied to Ælfric to write these Canons, Dunstan may be added to the list of prelates who approved of the teaching learnt by Ælfric in the school of Æthelwold. Yet in the Life of Odo (cap. 10), attributed to Osbern, will be found the following passage:—"Hoc ferme tempore *quidem clerici*, maligno errore seducti, asseverare conabuntur panem et vinum quæ in altari ponuntur, post consecrationem in priori substantia permanere, et figuram tantummodo esse corporis et sanguinis Christi, non verum Christi corpus et sanguinem." By this time Dunstan had appeared in a vision to a cripple, to warn him against Ælfric Bata, the scholar of Abbot Ælfric; and the teaching of the school of Æthelwold, the trusted friend and Prior of Dunstan, was denounced as the erroneous doctrine of "a few seculars."

V.

The Coronation of Edgar.

One of the few occurrences connected with the reign of Edgar that has been handed down by all the chroniclers is his coronation at Bath upon Whitsunday in 973. The earlier authorities notice the ceremony without assigning any reason for its apparent postponement to so late a period in the king's reign; but Osbern, in his Life of Dunstan, written after the authentic archives of Canterbury had perished in a fire, supplies the omission after a fashion of his own. A seven years' penance, during which the king was prohibited from wearing the crown, had been imposed by the archbishop upon Edgar for violating the sanctity of the cloister in the person of St. Wulfryth, and the ceremony at Bath marked his resumption of the crown. But as fourteen years had then elapsed since the death of Edwy, the tale of Osbern implies a double coronation, for which there is not the slightest authority; and as Eadgyfu, who was the daughter of the frail saint, and a party to a grant of her royal father, as abbess of the nunnery at Winchester, died when in her twenty-third year, in September 984, she must have been born some years before 966. Thus the fiction falls to the ground, and the apparent delay in the coronation of Edgar remains to be accounted for.[1]

It would appear to have been a very general, if not an universal, custom throughout Christendom to consecrate by some religious ceremony the sovereign who was chosen to fill the throne, and the inauguration of Aidan to be king of the Dalriads is supposed to afford the earliest

[1] Mabillon, *Act. Sanct.*, Sæc. v. p. 623; *Cod. Dip.*, dxciv. "Eadgyfe abbedesse thæs cinges dohter."

recorded instance of such a ceremony. Placing his hand upon the king's head, Columba "ordained and blessed him,"—ordinans benedixit. Such was the simple ceremony which may literally have conferred "orders," for in later times the Emperor was *ex officio* a canon of St. John Lateran, officiating on certain state occasions as a subdeacon when the pope celebrated mass; the kings of France were similarly canons of St. Martin of Tours, and our own sovereigns are said, for some unexplained reason, to be canons of St. Davids. From very early times unction seems to have played an important part in the ceremony of consecration, for it was in use amongst the Britons when Gildas wrote, and Augustine dwells upon it as a custom unknown to pagans, and therefore peculiarly Christian, tracing it of course to the times of Saul and Samuel. Kings, however, seem to have been originally content with applying for unction to their own bishops, just as departed worthies used to find their way into the catalogue of saints in a vague and somewhat irregular manner, before Alexander III. placed canonisation "inter majores causas;" and much about the same period unction, in a similar manner, seems to have lost its highest efficacy unless imparted through the pope. "Si quis rex inungi *novâ consuetudine* velit, usus et mos obtinuit ut id *a Romano pontifice* petat, sicut fecit rex Arragonum."[1] Thus wrote the Cardinal Leo Ostiensis in 1260; and as in the days of Giraldus none of the kings of Spain were classed amongst "the four anointed sovereigns"—though Wamba, king of the Visigoths was anointed by the archbishop of Toledo in 673—the *nova consuetudo*, which must have been introduced into Arragon between the age of Giraldus and the time of Cardinal Leo, evidently meant papal unction. The Scottish kings were not so fortunate as the House of Arragon, for the whole influence of England was exerted for about a century in opposing the extension of this mysterious privilege to the sister kingdom. Honorius III. forbade his legate to anoint and crown Alexander II. in 1221, and the king appealed in vain to Innocent IV. in 1233. Yet in the Bull according "unction and a diadem" to Robert Bruce, it is distinctly asserted that the kings of Scotland had been long accustomed to receive the "Insignia Regie dignitatis" from the bishops of St. Andrews; a "sceptrum regni" is alluded to by Adamnan, a crown was carried off by Edward I., and it is evident that the sole deficiency in the coronation of a Scottish king was the "papal unction" which would have passed mysteriously into the ceremony if the legate had crowned Alexander in 1221. "Auctoritate Apostolica, adhibito secum decenti Episcoporum numero . . . more debito . . . Inungere (et) Regium imponere valeant Dyadema,"—such were the privileges accorded to the bishops of St. Andrews and Glasgow by the Bull of John XXII.; so that unction and a diadem with the presence of "a decent number of bishops," and the apostolic sanction, were supposed at that time to be necessary

[1] This is Selden's version of the passage. Mr. Maskell gives it, "Si quis de novo inungi velit, consuetudo obtinuit quod à papa petatur, sicut fecit rex Aragonum, et quotidie instat rex Scotiæ." The sense is the same in both versions.

for a coronation of the highest order. As Henry II. and his grandson were both curious about the special virtue of unction, receiving learned answers upon the subject respectively from Beckett and Robert Grosseteste, and as the necessity of obtaining admission amongst the anointed sovereigns never seems to have been felt by the kings of Scotland and Arragon before the thirteenth century, it may be presumed that the question assumed its greatest importance about that period, and was closely connected with the pretensions of the Popes, and especially of Innocent III., to universal supremacy over temporal sovereigns.[1]

"For eighty years and upwards," wrote archbishop Boniface in 742, "there has been neither synod nor archbishop amongst the Franks;" a state of affairs which, with the confiscation of the dioceses of Rheims and Treves by Charles Martel, must have placed his son Pepin at a certain disadvantage when the time arrived for his assumption of the regal dignity; for there was no Frank Metropolitan to perform the consecration. Accordingly, writes Einhard, "when he was raised to the throne in the city of Soissons according to the usage of the Franks, with the sanction of the Pope, he was anointed to the regal dignity by the holy unction, received from the hand of Boniface, bishop of Mayence." Three years afterwards the Pope crossed the Alps in person, to implore the assistance of the orthodox king of the Franks, who now accepted the office of Defender of the Roman Church, against the Arian Lombards, anointing with his own hand Pepin and his two sons, who were henceforth addressed, not only as kings of the Franks, but as Patricians of the Romans, thus occupying the position of the Exarch. After the return of the Pope to Italy in the following year, 755, a letter imploring immediate assistance was addressed to the Kings and Patricians of the Romans from the "Papa et omnes Episcopi, Presbyteri, Diaconi, seu Duces, Carthularii, Comites, Tribuni, et universus populus et exercitus Romanorum, omnes in afflictione positi," or the two Estates and Community of Rome, who had united in transferring the Patriciate from the official of the Eastern Empire to Pepin and his sons; whilst another epistle arrived direct from heaven, in which an immediate advance upon Rome was urged by "Petrus princeps Apostolorum, *qui vos in reges unxit.*" Such was the exalted origin attributed to the Papal unction, which was supposed to have consecrated the choice of the Franks and Romans, with the direct sanction of St. Peter. The age in which such an epistle could have been written and sent was already ripe for the forged Decretals, and accordingly, when they were wanted in a subsequent generation, they appeared.[2]

[1] Selden, vol. iii., *Titles of Honour*, pt. 1, cap. 8; Maskell, *Mon. Rit.*, vol. iii., *Prelim. Diss.; Stat. Ecc. Scot.* vol. i. p. xlvi., xlvii.; Reeves' *Adamn.* iii. 5. The passage from Giraldus will be found in his treatise *de Instructione Principis.* The "Four anointed sovereigns," at the opening of the thirteenth century were the kings of France, England, Sicily, and Jerusalem. The two latter kingdoms were creations of the papacy, so to say, and are sometimes omitted from the list.

[2] Bonif. *Ep.* xlix.; Bouquet, vol. v. p. 486, 490, 495, 593; *Ann.* Einh., 750, 753, 754.

Upon the death of Charles the Fat in 888, Guy, who had already agreed with Beranger to divide between them "Latin France" and Italy, hurried to Rome, and, "without the consent of the Franks, was anointed king over all of *Francia*." But the "Roman Franks" had already chosen for their king Oda, or Eudes, son of Robert the Strong, and Guy returned to Italy, to dispute the possession of that kingdom with Beranger, clearly demonstrating by his repulse that Unction was, at this time, regarded as simply the consecration or confirmation of election; for the anointed of the Pope, not being the choice of the Franks, had no power to rule over them. Conrad, who, upon the extinction of the German branch of the Caroline House, in the male line, had been "anointed to the kingdom" at the suggestion of the Great Duke Otho, when he felt his death approaching, sent his brother Eberhard with "the sacred lance, the robe and golden bracelets (armillis aureis), and the sword and diadem of the kings, his predecessors," to Otho's son, naming him as his successor; but Henry, though he accepted the regal dignity, declined the diadem and unction "a summo pontifice"—the archbishop of Mayence—alleging his own unfitness for so high an honour. Thus he was a king, but not an anointed sovereign; his son was the first of the Saxon House who attained to the higher dignity, and a full account of his coronation has been handed down by Widukind. Leading Otho to the front of the Cathedral porch at Aix, the archbishop of Mayence addressed the assembled multitude in the following words:—"I bring you the elect of God, the successor designated by his father Henry, now made king by all the princes. If the choice please you, hold up your hands;" and every hand was raised with acclamation in confirmation of the election. Otho, clad in a short tunic after the Frank fashion, was then conducted into the church, and invested at the altar with the insignia of royalty—the sword and belt, the robe and bracelets, the sceptre, staff, and diadem,—and then, anointed with the holy oil by the metropolitan of Germany, and wearing the golden diadem, he was again led into the porch between the archbishops of Mayence and Cologne, and placed upon the throne in the sight of all the people, much as the sovereign is represented upon the reverse of many an old coin. It was not until many years later, after his decisive victory over the Magyars at Lechfeld by Augsburg in 955, which won the Marks of Austria and Styria for Germany, that the exultant soldiery hailed him *Kaisar* in the old Roman fashion—ab exercitu pater patriæ *imperatorque* appellatus est—and from this date Widukind writes of him as *Imperator*. Six or seven years afterwards he received the *Benedictio imperialis* at Rome, with his queen, and thus became, like Pepin, the "Patron of the Roman Church"—"ac patronus Romanæ effectus ecclesiæ." The father, Henry, lived and died an elected and legitimate, but not an anointed king, and for six years the son, Otho, was an elected and legitimate, though not an anointed emperor. As the "Benediction" of the Church consecrated a marriage, which was rendered legal in those days by the previous civil contract—the wedding and dotation—so it consecrated the sovereign whose legal title lay in

his previous election, and its confirmation by "show of hands." The Church could neither make nor unmake a king, she could only sanctify his election by her benediction.[1]

The custom of consecrating an English sovereign is first alluded to in the Saxon Chronicle towards the close of the eighth century. In the reign of Offa, and in the same "contentious synod" in which the archbishopric of Lichfield was called into existence, Ecgfrith was "hallowed to king," and associated with his father in the sovereign power; the consecration of a Northumbrian king being noticed some ten years later. Gregory, bishop of Ostia—he occasionally appears as George,—and Theophylact, bishop of Todi, claiming to be the first papal legates despatched to England since the mission of Augustine, arrived from Rome in the course of 786, in company with Abbot Wighod, the *missus* of "Charles, by the grace of God, King of the Franks and Lombards, and Patrician of the Romans." After assisting at a council in Northumbria, in which King Ælfwald and his leading clergy and nobility were present, Gregory and Wighod returned to the south, and took part with Offa, archbishop Ianbert, and the twelve Southumbrian bishops, in the council of Cealchythe. In the regulations laid down in these Councils the sanctity of the royal person was particularly insisted upon. "Let no one dare to conspire against the king's life, for he is the Lord's anointed." He was to be elected by the "sacerdotes et seniores populi,"—the bishops and leading nobles, or the Two Estates. The choice of the wicked was not to prevail, and no one could be recognised as "the anointed of the Lord, king of the whole kingdom, and his country's heir—hæres patriæ,"—who was not born in legitimate wedlock. Some twelve years later, Cænulf the Mercian overran and conquered Kent, which, after the deaths of Offa and Ecgfrith, had, for two years, regained a sort of independence under Eadbert Pren. "Then, as the Elect of God—Domini suffragio potitus,—he added the kingdom of Kent to his dominions, placing a crown on his head, and taking a sceptre in his hand;" much as Rodolph, ninety years afterwards, "assembling some of the leading clergy and laity at St. Maurice, placed a crown on his head, and ordered himself to be proclaimed king" of Burgundy. Æthelheard, archbishop of Canterbury, who, in the previous year, had been reinstated by Leo. III. in all the privileges of which his see had been deprived by Offa and Pope Hadrian, is not alluded to in the account left by Simeon, and a regular consecration may have been out of the question; but if any coolness existed

[1] *Liut. Ant.*, L. i. c. 14, 15; *Wid.*, L. i. c. 16, 25, 26, L. ii. c. 1, L. iii. c. 49; *Thiet. Chron.*, L. ii. c. 7. The principle of election from a sacred or royal race may be said to be coeval with the existence of the regal dignity amongst the Teutons, and the ancient form "quem in regem *eligimus*" held its place in the coronation service of the kings of England, at least as late as the reign of Edward II. As the theory of "divine right" gained ground it was changed into "quem in regem *consecramus*." (*Maskell*, p. 13, n. 21.) So thoroughly was Widukind impressed with the conviction that the choice of the German soldiery raised Otho to the dignity of Kaisar, that he never alludes to the "Benedictio imperialis" at Rome. Thietmar writes of it as if it conferred the patronage of the Roman Church upon the sovereign chosen emperor by the Germans.

between the archbishop and the king it passed away for the time upon the suppression of the archbishopric of Lichfield. Eadbert Pren was pronounced "an apostate priest" by the Pope, and Cænulf's brother and successor, Ceolwulf, was duly consecrated by Archbishop Wulfred, on the 22d of September 822, "king, by the grace of God, of the Mercians and Kentishmen." At the very close of the Mercian kingdom, as late as 869, Æthelswyth, Alfred's sister, places on record her claim to be a crowned queen of the Angles,—"Ego Burhed Rex, et ego Æthelswytha pari coronata stemma regali Anglorum Regina." Unction must have been fully recognised in the Councils that legislated about "the Lord's anointed;" and, as a crown is thus alluded to on more than one occasion in connection with the Mercian sovereigns, it may be assumed that, when Offa's son, Ecgfrith, was "hallowed to king" in the presence—or with the concurrence—of the papal legates at the Council of Cealchythe, all the necessary ceremonies were complied with, and the Mercian sovereigns, as well as the kings of the Franks, might have claimed, in a later age, to be numbered amongst "the anointed kings," with a full right to "unction and a diadem, with the apostolic sanction."[1]

As much may be said, apparently, for the claim of the Northumbrian sovereigns to the same mysterious privileges. The peculiar sanctity of the anointed of the Lord, and the rules to be observed in his election, were impressed by the legates quite as much upon the Northumbrian synod, as upon the Council of Cealchythe; and accordingly, after the assassination of Æthelred in 796, when Eardulf, whose father had narrowly escaped the same fate in 790, was sent for from exile, he was "blessed to king, and raised to his *cynestole* by Archbishop Eanbald, and Bishops Æthelbald, Higbald, and Badwulf," or the whole hierarchy of

[1] *Chron. Sax.*, 785; *Sim. Dun.*, 786, 798; Wilkins, *Conc.*, vol. i. pp. 146, 161; *Regin. Chron.*, 888; *Cod. Dip.*, ccxvi., ccxcix. The confirmation of the elective principle in these Councils, and the use of the expression *hæres patriæ*, are deserving of notice. When the Germans hailed Otho as *pater patriæ*, to use the words of the contemporary Widúkind, his descendants became *hæredes patriæ*, or, in more modern language, the royal family from whom the king was to be chosen. So in England, all who chose Edward the Elder "to father and lord," bound themselves to look upon his descendants as "hæredes patriæ," thus excluding his uncle's children from the succession, who accordingly sunk into "the kindred of the king," instead of Æthelings. The "Fæder and Hlaford" of the Chronicle, in short, is the exact rendering of Widukind's "Pater patriæ imperatorque." The words of the old writer followed by Simeon, "deinde Domini suffragio potitus," clearly show the opinion of the age that the God of battles gave his verdict in victory, and that war was only an appeal to "the judgment of God" on a grand scale. This continued to be the case until long afterwards. On the death of Engilbert, for instance, "the piety of the king," with the consent of his sons, allowed the children to succeed to their father's share in right of his wife Bertha—"nepotem patri succedere, et neptes inter filias suas educari,"—but only as a favour; for the right of the children of a deceased son to share with their uncles on the death of their grandfather was an open question at that time. (*Einh. Vit. Car.*, 19; *An. Lab.*, 811.) Hence the children of Pepin, who died before his father Ludwig the Pious, were shut out of the succession; but the question was finally decided in Otho's reign by the ordeal of battle. "Rex meliori concilio usus . . . rem inter gladiatores discerni jussit. Vicit igitur pars, qui filios filiorum computabant inter filios, et firmatum est, ut æqualiter cum patruis hereditatem dividerent pacto sempiterno." (*Wid.*, L. ii. c. 10.) Thus the verdict of God was given by the sword of the champion.

Northumbria; and, according to the old authority in Simeon, "consecrated in the church of St. Peter at York, before the altar of the blessed apostle Paul." Thus the ceremony was in accordance with the regulations laid down in the Bull of John XXII., for "a decent number of bishops," as well as with the consecration of Otho before the altar in the church at Aix. Twelve years afterwards, when Eardulf was again driven into exile, he appealed to the emperor and pope, returning in the following year with a papal and two imperial legates, with whose concurrence his son Eanred seems to have been either raised to the throne or associated with his father in the kingdom; the House of Eardulf continuing to reign, from this time forward, over the Northumbrians until the Danish inroad. The service for consecrating a Northumbrian sovereign, the "Missa pro regibus in die Benedictionis," in the Pontifical of Archbishop Egbert, is the oldest "Order" on record, differing in one important particular from all the later services—a helmet was used instead of a crown. One of the bishops recited a prayer, whilst the others anointed the king, on the head alone; all the bishops and *principes*, the "sacerdotes et seniores populi" of the Council, presented the sceptre and the staff; "then let all the bishops take the helmet, and place it on the king's head." It was evidently a service adapted to a limited hierarchy, like that of Northumbria.[1]

The dependence of the Northumbrians upon the kingdom of the Franks, or rather perhaps upon the Empire, has been sometimes assumed on account of these transactions of their king with the Kaisar. The assumption, however, is scarcely borne out by the character of the negotiations, which are well deserving of a passing notice. Had Eardulf been dependent upon the king of the Franks, or Kaisar, Charles would have at once restored him to the Northumbrian kingdom by his own sole power and authority when the exiled prince sought his aid at Nymegen. But Charles did nothing of the sort. He forwarded letters to Rome, informing Leo of Eardulf's expulsion, of which the Pope had already heard from "Saxons;" for he had received letters from Eanbald (the younger), archbishop of York, Cænulf the Mercian king, and Wada, all of whom he pronounced to be "very false." The Kaisar then bade the Pope summon to his presence Eanbald "cum suis consentaneis . . . rationem deducendum," and Leo declared his readiness to do all that was required of him. Charles seems to have complained soon afterwards that Aldulph, the papal *missus*, who had been treated with honour and courtesy upon his return from "Britain," had not awaited the *missus* sent to conduct him to the imperial presence, but had run away, as it were, avoiding the interview, and carrying off with him the *missus* of

[1] *Chron. Sax.*, 795; *Sim. Dun.*, 796, 808; *Hist. Dun.*, ii. 5; *Ann. Einh.*, 809; *Ann. Fuld.*, 809; *Maskell*, vol. iii. p. 74. The Northumbrian archbishop must not be confounded with the West-Saxon king. The "Anglo-Saxon Order of the Coronation of Egbert," and the promise of the same king "not to dispute the throne of the Saxons, Mercians, and Northumbrians," which make their first appearance in the pages of one of the most attractive writers of the present day, would anticipate events by at least a century and a half.

Eanbald. He suspected them of a secret mission, and a wish to prevent the arrival of Eardulf at Rome. Leo tried to excuse the *missi* on the ground of ignorance, and, in order to clear himself personally of suspicion, sent all the letters he had received to the Kaisar, at the same time entreating Charles to deal gently with the *missus* of the archbishop of York, lest all the advantages the Roman Church had gained in that quarter should be lost to the Holy See. Charles seems to have been acting throughout, not as king of the Franks, nor as the Kaisar supporting a vassal, but as patron of the Roman Church, to which an appeal had been made. Every church in those days had its advocate or patron, and the letters of Gregory the Great, preserved in Beda's History, are duly dated "in the reign of *our lord* Mauricius Tiberius;" but upon the dissolution of the last tie binding Rome to Constantinople, by the fall of Ravenna and the expulsion of the Exarch, the kings of the Franks, from the date of Pepin's acceptance of the Patriciate, became patrons and defenders of the Roman Church. As soon as the predominance of the West-Saxon Egbert was thoroughly established, he at once asserted his claim to the patronage and protection—patrocinium et protectionem —of the Metropolitan See of Canterbury; and the Saxon Otho, after his exulting soldiery proclaimed him Kaisar, became, through the Benedictio imperialis, the Patron of the See of Rome. Thus the patronage of the leading church was always claimed by the foremost sovereign of the State. The principle of appealing to the Pope about a matter of temporal import was acknowledged, if not established, by the embassy of Pepin to Zacharias; but after the establishment of the Patriciate and Empire, Charles would have no more allowed such an appeal to be made to the Bishop of the See of Rome, without the consent of the Patron, than would Egbert have permitted a similar appeal to be made to the archbishop of Canterbury without the sanction of the patron and protector of that see. Hence, throughout the reign of Charles, the papal legates were always accompanied by a *missus* from the Patrician or Kaisar; and, assuming the right of permitting or preventing missions and pilgrimages to the see of which he was the patron and protector, Charles shut the ports against Offa's subjects during his quarrel with that king, forbidding their passage to Rome—at another time waiving his claim to toll upon *bonâ fide* pilgrims. It was evidently in his capacity of Patron that he seconded the appeal of Eardulf to Rome; and it was in the same capacity that his mediation would have been offered between Cænulf and Wulfred, when the Mercian king assured the latter that he would never again receive him as archbishop if he refused to comply with his conditions—"Nunquam nec verbis domne papæ, nec cæsaris, seu alterius alicujus, gradu huc in patriam iterum recipisse, nisi hoc consentire voluisset."[1]

As successors of the sovereign whom Charles addressed as "the most powerful king of the Western Christians," the Mercian kings continued to preside in the great ecclesiastical councils dating from Offa's reign, and

[1] *Bouquet, Fp.* Leo. III. *ad Car.* vol. v. p. 61-4; *Cod. Dip.* ccxx., ccxl., mxliv.

a papal functionary attached his signature to one of the last of these synods, held under Beornulf in 825. With the downfall of the Mercian ascendancy these great councils ceased to be held, and accordingly no more papal emissaries could be accredited to them; Feologild, the choice apparently of the canons of Christ-Church, was set aside; West-Saxon prelates filled the see of Canterbury, secular canons replaced the regulars, and, comparatively speaking, little intercourse seems to have been held with Rome, under Egbert and the earlier members of his house. The coronation service, however, known as the Order of Ethelred is evidently founded upon the "Ordo Romanus," or some earlier but similar form issued with the authority of Rome; for many of the prayers and directions contained in both these Orders are identical, and Rome would have scarcely borrowed her service from "Saxony beyond the sea." In the use of a crown, and of a coronation service for the queen, the Order of Ethelred is in advance of the older Northumbrian service, nor do the prayers and directions in the "Missa pro regibus" correspond with those of the Ordo Romanus. Hence an authorized coronation service, of a later date than the Missa pro regibus, would appear to have been compiled and issued with the sanction of Rome, and seems to have found its way into England before the reign of Ethelred; the existence of some such common source being further shown by its correspondence with the Order "ex codice Ratoldi abbatis," used for anointing the kings of France, according to the authority of the "Livre du sacre des roys de France," compiled by command of Charles v. in 1365. It is not a little remarkable that, in the prayer taken from the Ordo Romanus, in which the Order of Ethelred inserts the passages "totius regni Anglo-Saxonum ecclesiam," and "regale solium videlicet Anglorum vel Saxonum sceptro non deserat," the Codex of Abbot Ratold reads "totius *Albionis* ecclesiam," and "regale solium videlicet *Saxonum, Merciorum et Nordanchimbrorum* sceptra non deserat"—from which it may be inferred that the coronation service of the French kings of the house of Capet, though founded upon the orthodox Ordo Romanus, was derived from England and not from Rome. Nor is this all, for the Codex of Abbot Ratold must have been copied from an earlier form, in use before the Order of Ethelred had substituted "Angles or Saxons" for "Saxons, Mercians, and Northumbrians." The meaning of this must be sought for in the history of the period.[1]

After the death of Ludwig the Pious, the imperial authority was centred for a time in his senior representative, Lothaire, whose capital was at Metz; and when Charles the Bald aspired to the empire in 869, he invaded and annexed Lotharingia, was crowned by the bishop of Metz, and as king of two of the three Frank kingdoms, say the Annals of Fulda, assumed the title of Emperor and Augustus—"se in Imperatorem et Augustum, quasi duo regna possessurus, appellari præcepit." Metz,

[1] *Cod. Dip.* ccxviii.; Selden, *Titles of Honour;* Maskell, p. 14, note 29. Ratold was Abbot of Corvey, and the *Codex* was written in 980, according to Martene.

however, represented the capital of the old Merovingian kingdom of Austrasia, and though the first sovereign of the Caroline House was of Austrasian origin, he was "raised to the throne, after the fashion of the Franks, at Soissons," or at the capital of the old Merovingian kingdom of Neustria. As Western Wessex always ranked in dignity before the Eastern provinces—"semper orientali principalior est," wrote Asser—so the Franks of the Western kingdom claimed precedence over the Easterlings, once their tributaries; and the representatives of the men who chose their king at Soissons have long since appropriated to themselves alone the name that once belonged to the whole confederacy.[1] The jealousy prompting them to set up a king of alien race, rather than submit to an authority emanating from "beyond the Rhine," is easily traceable in certain fictions that first saw the light in the reign of Charles the Bald, just before the disruption of the empire. In order, as it were, to fix the seat of the empire to the westward of the Rhine, Hincmar sought to trace its commencement to the era of Clovis, converting the baptism of the king in the church of St. Martin at Rheims, into his unction and coronation by St. Remi. On this auspicious occasion, when the envious Satan dashed the viol of holy oil from the hand of the Saint, a dove from heaven supplied the loss with the sacred *Ampulla*, which was preserved at Rheims in proof of the truth of the story, and used in anointing the kings of France. Thus though the Patriciate may have been confirmed by the unction of St. Peter, and a letter sent from heaven by the same apostle may have first called Pepin into Italy to lay the foundations of the future empire, the kingdom to which the same Pepin had been raised by the voice of the Franks at Soissons was equally conferred on Clovis by the will of heaven, and the dove was a messenger from a source even higher than St. Peter. Legend was encountered by legend in those days, and a century of acquiescence and approval hardened Hincmar's fictions into the consistency of facts; for they really expressed the feeling that has always led the representatives of the Western Franks to assert the "liberties" of their church and crown. Accordingly, when the archbishop of Rheims, setting aside the claim advanced by Charles of Lotharingia, in right of his birth, with the words "a kingdom is not acquired by hereditary right," consecrated Hugh Capet to the throne, the Elect of the Western Franks was supposed to have supplanted the Carolings in the kingdom to which Clovis, with the direct approval of heaven, had been anointed by St. Remi. With Rome Hugh Capet was at variance, and even if she had not been in dependence on the Kaisars of the Saxon House at that time, Rome might have felt inclined to question the authenticity of fictions framed for other purposes than her own. Rome, accordingly, was not appealed to, as may be gathered from the Codex of Abbot Ratold, and the authorized coronation service of the period was

[1] The annual tribute paid to the Fisk from the Easterling Franks and Slaves was known as *Steora*, and the tithe of it was given by Pepin and Charles to the church of St. Saviour in the diocese of Wurtzburg (*Ersch und Gruber*, in voc. *Gau*, p. 416).

brought, through the abbot of Corvey, from England, where the earlier form, alluding to "the sceptres of the Saxons, Mercians, and Northumbrians," must have been still in use at the time it was copied.[1]

Conrad the Easterling, who was chosen in 911 to succeed Arnulf's son Ludwig, tried in vain to equalize his power with his pretensions, but "the suffrage of God" was against him; he failed to wrest Thuringen from Henry the Saxon, and received his death-wound in a disastrous battle against the Bavarians. Upon his deathbed, recognising that the ancient supremacy of his race had passed away with their separation, he suggested the elevation of his Saxon rival to the throne; and "the princes and elders of the Franks," meeting at Fritzlar, proclaimed Henry "king, before all the Frank and Saxon people." Henry, accepting the regal dignity, but declining the diadem and unction, marched to the frontiers of Swabia and Bavaria; both duchies submitted to him, and with the Bavarian Arnulf he entered into an alliance so close, that the duke was known from that time as "the king's friend." The secret of this alliance, and a clue to the early policy of Henry, will be found in the events of the following reign. The dispute about precedency between the archbishops of Mayence, Trèves, and Cologne at the coronation of Otho marks that ceremony as a novelty; for the relative position and privileges of the three great metropolitans of the Easterling Franks at a coronation had not at that time been settled. On this occasion Arnulf the Bavarian was Otho's Mareschal, and when Conrad's brother Eberhard rose with the other Frank nobles against the Saxon king, it was the Duke of Swabia who defeated them—the same Duke Herman who gave his daughter Ida, with all her claims upon his duchy, to Leodolf the son of Otho, and his English queen. Before the election of Otho the Franks alone chose the king; and Henry, a Saxon prince, chosen as of old by the Franks, accepted by the Saxons, and subsequently upon their own frontiers by the Swabians and Bavarians, declined the diadem and unction, seeking apparently to found the future greatness of his House upon the principle that such a dignity could be conferred alone upon the Elect of the whole people—of "all the Deutschlands," to use the language of a later age. Hence Swabians and Bavarians rallied around his son, and helped to break the waning power of the Franks; for Otho was the first king of their immediate choice, and from the date of his election, Saxons, Swabians, and Bavarians united with the Franks of the Eastern kingdom in choosing their king—"and a struggle is still going on between the kings of the Carolings and of the Easterlings for the kingdom of Lothaire." Nine centuries have passed away since the hand of Widukind

[1] Hincmar's legend will be found in Maskell's Dissertation. A vial of holy oil was supposed to have been consigned to the hands of Beckett by the Virgin, and by some inexplicable mischance never to have been used before the accession of the House of Lancaster. The tale, of course, arose in the fifteenth century. These sort of fictions have their uses in history, when the era in which they first arose can be fixed with tolerable accuracy. They mark the feeling of the age in which they were first believed.

penned this passage, but the struggle for the kingdom of Lothaire has not yet arrived at a conclusion.[1]

The admission of the three great provinces to a voice in the election of their sovereign, was the first step towards converting the Eastern kingdom of the Franks into Germany, or the kingdom of the Four Deutschlands; and much about the same time a somewhat similar process was going on in England. "All the English who were not under the bondage of the Danish men," or the people of English Mercia, submitted to Alfred in 886, and the Mercians again submitted to Edward, after he "deprived (his niece) of all dominion, and led her into Wessex;" but Athelstan was the first of his House who was "chosen king by the Mercians" before his hallowing at Kingston. During the next thirty years he and his two brothers reigned as the kings chosen by the West-Saxons and Mercians, receiving "weds and oaths" occasionally from the people of Northumbria, who never "chose a king" at that time who was not of Danish race. The last of the kings of Danish race, Eric, the son of Harald Blaatand, fell by treachery in 954, and in a charter dated in the following year—the last of his reign—Edred is called *Cæsar*, in the very year in which the German soldiery hailed his brother-in-law by the same title. The kingdom was again divided in the reign of Edwy, but upon his death in 959, Edgar "succeeded to the kingdom of the West-Saxons, Mercians, and Northumbrians," the Saxon Chronicle thus using the identical form of expression appearing in the Codex of Abbot Ratold.[2]

At the date of Archbishop Wulstan's death in December 957, the Northumbrians owed no allegiance to Edwy, who was only king over the West-Saxons at the time. Oscytel, therefore, was indebted for his appointment to the archdiocese of York—or for the confirmation of his appointment—to the Elect of the Mercians and Northumbrians; but Edgar had been king over "the West-Saxons, Mercians, and Northumbrians" for several years when Oscytel died. The election of Æthelwald, who was apparently the choice of the clergy of York, seems to have been at once set aside, just as the election of Abbot Feologild to the see of Canterbury appears to have been ignored by Egbert; and Edgar, following in the steps of the founder of his House, appointed Oswald, bishop of Worcester, the nephew of the deceased archbishop, to the vacant see. Thus he assumed the rights, and acted in the character of the Patron and Protector of the See of York, and he was the first of the south-country monarchs who successfully established this claim. Oswald immediately set out for Rome, not only to seek his pall, but as the bearer of an important commission from the king—"plurima negotia regni," writes Eadmer, adding that the negotiation was satisfactorily arranged. Otho, the Great Kaisar, was at Rome at the date of Oswald's mission, and his influence would have been exerted in behalf of his

[1] *Wid.* Lib. i. c. 16, 25, 26, 27, ii. c. 1; *Liut. Ant.* Lib. v. c. 1. "Saxonia ex serva, facta est libera, et ex tributaria multarum gentium domina." Such are the words of Widukind, i. 34. "All the Deutschlands" is an expression of the Sachsenspiegel. "All the Deutschlands have their own Pfaltzgraffen; Sachsen, Beyern, Francken, and Schwaben." Bk. iii. Art. 53.

[2] *Chron. Sax. ad. an., Cod. Dip.* ccccxxxiii. "Cyning et casere totius Britanniæ."

nephew had his influence indeed been required. But the solitary difficulty in the way of Edgar's envoy, had his mission related to the unction and coronation of the English king, would have been the right of unction previously accorded by the papal see to the sovereigns of Mercia and Northumbria; and the ancient royalties of Mercia and Northumbria were extinct. Immediately upon the return of Oswald from Rome, Edgar was crowned at Bath—"denique coronatur in regnum" are the words of his kinsman and contemporary Æthelwerd the Patrician; and within five or six years from this date, both archbishops and ten bishops, representing the hierarchy of the provinces of Canterbury and York, were present at the coronation of his son Ethelred at Kingston. This is the first historical notice of an archbishop of York assisting with the south-country metropolitan at the coronation of a king, but the ceremony at Kingston may be assumed with probability to have been a mere repetition of the ceremony at Bath. Edred scarcely survived the suppression of the royal power in Northumbria, and Edwy was soon reduced to rule over only a portion of a disunited kingdom. Edgar, therefore, would appear to have postponed his coronation until every solemnity could be fulfilled that was considered necessary for the unction and coronation of the Elect of all three provinces of England, the first sovereign who in the presence of both archbishops—of the "sacerdotes et principes" of the whole of England—was crowned and anointed as the sole representative of the three-fold sovereignty of the West-Saxons, Mercians, and Northumbrians.[1]

Thus in England, France, and Germany, a similar movement seems to have been in progress during the tenth century, but upon the early death of Edgar, Ælfthryth, who seems to have sat by the side of her royal husband as a crowned consort, reverted to the ancient custom of Wessex as soon as she became a widow; and it was not until after her death as queen-mother, and the second marriage of her son Ethelred with the Norman Emma, that a queen-consort again assumed her place by the side of the sovereign. The addition of a coronation service for a queen seems to mark that the "Order of Ethelred" first came into use about this period of his reign, and by this time West Saxons, Mercians, and Northumbrians had blended into "Angles or Saxons."[2]

[1] *Ead. Vit. Osw.; Chron. Sax.*, 979. The course of policy pursued towards the See of York, first by Edward and subsequently by Athelstan, and the attempt of the latter to break up the overgrown power of the archbishop by dividing his diocese, will be touched upon further on. Some of the effects of this policy are still traceable in the extension of the modern diocese of Chester, once a portion of the great bishopric of the *Merçians*, over the whole of that part of western Northumbria which had been originally included in the diocese of York.

[2] The gradual extension of the English name, in the course of the tenth century, is very perceptible. Thus the sister of Alfred styles herself "Regina Anglorum," a title belonging in her days to the queen of the Mercians; and Prudentius, the contemporary bishop of Troyes, who has described the marriage of Æthelwulf and Judith in the Annals of St. Bertin, gives him the title of king of the Anglo-Saxons, and king of the West-Angles. But Æthelwerd the Patrician invariably writes "Occidentales Angli" for the West-Saxons, and "Orientales Angli" for the East-Saxons. It was evidently the policy of the age in which he lived to obliterate all recollection of any difference between Angle and Saxon. Hence the change of phraseology in the Coronation Service of Ethelred, and the name of Saxon disappeared for ever.

ROME.

Livy, after dedicating his first five Books to the history of Rome before her capture by the Gauls, informs his readers that the whole of the materials upon which this earlier portion of Roman history was founded had been handed down by oral tradition alone—"una custodia fidelis memoriæ"—writings and memorials of every description, whether public or private, if they ever existed, having perished in the burning city. Accordingly, when the Fasti Capitolini, which are supposed to have been compiled in the reign of Tiberius, or some four centuries after the period of the Gallic inroad, furnish a list of magistrates commencing from the expulsion of the Tarquins, the accuracy of the earlier portion of the series may be doubted. Many, if not most, of the heroes of early Roman history bear the names of Plebeian families, more or less celebrated in their own days, whose pride of ancestry would have been flattered by the appearance of their forefathers upon the roll of the early Patriciate; and, bearing in mind the era in which the Fasti were compiled, the frequent appearance of a certain mythical family of *Julius Iulus*—a family that vanishes at the commencement of the historical period—seems to throw a light upon the method that is likely to have been pursued in filling up the vacancies in the catalogue of early magistrates. Even the apparent accuracy with which the battles and sieges of this period, and certain constitutional changes that are supposed to have been brought about, are assigned to particular years, is of itself suspicious; for oral tradition is apt to be vague upon such points, its preservers, generally bards or poets, being as a rule a careless race in the matter of dates.

About a century and a half after Rome was burnt by the Gauls, Ennius was born, and, when upwards of five hundred years are supposed to have elapsed from the foundation of the city, he undertook to tell the story of the past, beginning with the loves of Mars and Rhea. Many a fine old legend was probably preserved by Ennius from oblivion, and for this posterity owes him a debt of gratitude; and many a popular name, better known perhaps in his own days than in the remote past, may have added life to his narrative. He was the father of Roman history, to whom every subsequent writer was more or less indebted, though the dry records of the past that give accuracy to dates, and are of little interest to the poet in search of incident and character, must have been gradually accumulating from the time that Rome arose from her ashes. Ennius

wrote his Annals in verse, and a story of the past, like that of early Rome, which is a compound of myth and legend, and tradition more or less true, is best preserved in a poetic form—in the Lays of a Macaulay, or in the Idylls of a Tennyson. Oral tradition adapts itself to the age, and the incidents and characters of a story assume the shape most familiar to the audience listening to the teller of the tale. The spirit, as it were, remains the same, but the body is apt to be clothed in the dress of each passing age, until at length the legend is written down, perpetuating the latest form assumed, which is not necessarily in accordance with the earliest and most true. Hence the deductions sometimes drawn from the historical legends of the past in their written shape are not always accurate. Take the episode of the Fabii. The number of the fated band amounted to three hundred and six, and Dionysius gives them a following of four thousand clients, raised by Festus to five thousand. But three hundred horsemen and six military tribunes represent the Patrician contribution to a legion, at a certain period of Roman history, when it numbered four thousand men on ordinary occasions, and was raised to five thousand on emergencies. Any deductions, however, that might be drawn from this apparent coincidence would probably be wrong. The street with the ill-omened name, and the gate through which no Roman ever quitted the city, though many entered by it, attest the truthfulness of the legend in its main features; but the minute correspondence of the number of the Fabii and their followers with the Patrician and Plebeian contributions to the legion, is precisely one of those curious additions that is apt to creep up around a story of the past, as it is handed on by oral tradition to later times. It is the dress of a later age in which the earlier legend has been clothed, at the time perhaps when it first assumed a written shape in the era in which the Military Tribunes were still chosen exclusively from the Patrician order, though the Legion no longer retained its original form. The legend of the Fabii, truthful without being exactly historical, should live in verse, and, like other similar legends, should not be over minutely dissected. Otherwise it might be suggested that Quintus Curtius may have drained the marsh in the Forum, and lost his life through malaria; but it is better to let the noble Roman leap, as of old, on his gallant war-horse into the yawning gulf, the grandest offering that Rome could make to appease the anger of the gods.[1]

The substitution of a Republican for a Monarchical form of government, generally attributed to the early Romans, is one of the theories that belong to a much later era than the period in which the change is

[1] The Legion seems again traceable in the account of Plutarch (*Publicola* 21), that five thousand clients followed Appius Claudius, each receiving two *jugera*, whilst twenty-five were assigned to their leader. The difference is very similar to that existing between the assessments of the highest and lowest classes serving in the legions in the age of Polybius, and it may point out, perhaps, the time at which the oral tradition assumed a written shape. The supposed distribution is scarcely in accordance with the principles of the age in which *Vetus Claudia* was added to the rural tribes.

supposed to have been brought about. The *Rex* had nothing whatever in common with the *Cyning*, or Kœnig, whose name points to a close connexion originally with "the Kin." As *Rex Sacrorum*, Director by appointment, not King in virtue of descent, he may be looked upon as the highest official connected with religion in the early historical period of Rome, and, before the institution of a Pontifex Maximus, he is supposed to have been also President of the Pontifical College. Of the earliest of the three Roman popular assemblies, the Comitia Curiata, the Pontifex Maximus was at once the Convener and the Speaker, except when his place was taken by one of the ordinary Pontifices; putting the question to the assembly under the form of "Vos Quirites rogo," and announcing the decision arrived at as law. Before the institution of the various magistracies of later times, such as the Censorship and the Consulate, the union of all the functions of the Rex Sacrorum and the Pontifex Maximus in the same person would have raised him, both in his civil and religious capacities, to the foremost position in the State. Of the seven kings who are supposed to have ruled over Rome, one was a Sabine, two were Latins, two Etrurians, and the others god-descended myths. Not one of the number was of native Roman origin, inheriting his office by descent; and, during the so-called regal period, Rome in reality appears to have remained in a subordinate and dependent position, receiving her supreme magistrate from without. The test of union, in an Italian confederacy of early times, seems to have consisted in participating in a solemn sacrifice, of which the supreme Director would have been, in a certain sense, a Rex Sacrorum appointed by the members of the confederacy. The leading man of Veii, affronted by being passed over on the occasion of one of these solemn festivals at the *Fanum Voltumnæ*, when "another priest" (alius sacerdos) was appointed to direct the sacrifice, procured his own election to the position of *Rex* of Veii; and accordingly in their subsequent contest against Rome, the Veientines were left by the Etrurian confederacy to their fate. Thus the choice of a Rex by the Veientines was equivalent to a dissolution of their connexion with the Etrurian confederacy; and in the legend of the expulsion of the Tarquins may be seen, apparently, a similar but more successful assertion of independence by the Romans, who henceforth "chose their Rex" from amongst themselves, and ceased to receive him from Etruria. He was restricted, however, to the performance of his religious duties alone, and mulcted of his political privileges, which are subsequently found in the possession of the Pontifex Maximus, and of various other magistrates of a later era. The prejudice supposed to have been entertained by the Romans against a Rex originated in the foreign character of the magistracy, and was fostered, if not created, by the aristocracy of Rome, whether Patrician or Plebeian, in order to retain the government in their own hands.[1]

[1] Liv. v. 1. A fourth assembly is sometimes added, the Calata. But as I read the passage in Aulus Gellius (xv. 27) the Comitia Curiata and Comitia Centuriata were both Calata—*called together*—the former by lictors, the latter by the horn or trumpet.

If the story of the regal period is almost, if not entirely, mythical, at least as much may be said of the early consuls. A member of one of the most illustrious Plebeian Gentes, the Junian, is brought upon a stage on which he never could have figured, he and his sons are conveniently swept out of the way, and the Gens vanishes altogether, until, in a much later era, it appears as a historical reality. The same may be said of Lucretius, the colleague of Brutus, who was also a member of a Plebeian Gens; the very type and impersonification of Patrician pride, Coriolanus, is chosen from one of the greatest of the Plebeian Gentes, the Marcian, and a Plebeian wife is assigned to him of less illustrious ancestry. Many a germ of truth may be contained in the legends of the Tarquins and of Coriolanus, but the leading characters have been supplied in a later age, and supplied, apparently, in a manner that must have been gratifying to the vanity of the great Plebeian families, representing the majority of the aristocracy of Rome, in the age in which her history was beginning to be written—not far, perhaps, from the time at which the Laws of Numa were "discovered." Three tribes are dimly traceable in the early past, and then the addition of Vetus Claudia raises the number from sixteen to seventeen, for the urban tribes were not then in existence. Four more were added after the fall of Veii, when Rome was released from her most formidable competitor, and the real commencement of the historical period is approached. But of the circumstances leading to the increase of the tribes from three to sixteen, and of the events of the intervening period, nothing whatever has been handed down beyond the myths and legends preserved by oral tradition. The Plebeian of the intermediate period, in the pages of Livy, is a type of the urban Plebeian of the historian's own time, thrown back into the past. An angry Kentish freeholder, in the reign of a Plantagenet, might have ventilated his grievances upon Pennenden Heath, but he would have scarcely been found appealing to a sympathizing crowd in Hyde Park. Yet long before the urban tribes were called into existence by the first of the Fabii Maximi, and when there was scarcely a *Quirite* in the actual city of Rome who was not either a member or a client of some Patrician Gens, Livy's oppressed Plebeian harangues his fellows in the Forum, much as a member of the urban tribes might have done some centuries later. So again, in an age in which the Plebeian Quirites were represented by the population of the rural districts, a threat of secession to the Mons Sacer is supposed to have invariably brought the governing body to terms, when there was scarcely a Plebeian within the walls of Rome to secede. Tribunes governed Rome at the date of her destruction by the Gauls, and had governed her for many years; nor were the Tribunes superseded until the Rogations of Licinius became law. Immediately before the epoch in which these Tribunes are supposed to have been first appointed, members of Plebeian Gentes, who could never have filled the consulate, make their appearance in numbers upon the roll of Consuls, or find their way into the list of Decemvirs; and the history of all this period bears

evident tokens of the comparatively late era in which the lays and legends handed down by oral tradition assumed the written shape in which they finally descended to later times. The tribune of a very early age was evidently the representative of the tribe, an *Ealderman* in his civil capacity, a *Heretoga* when he led his "thousand" followers to battle; and, after the expulsion of the foreign magistrates from Rome, it is only natural to suppose that the governing power was vested, for some time, in the representatives of the free Romans, who "chose their Rex." Upon the admission of the Plebeians to a share in the privileges of the governing order, the Consulate would appear, in reality, to have been established as a sort of compromise, representing a division of the governing power between Patrician and Plebeian.

The formation of a separate order of Plebeians is usually attributed to Servius Tullius, who is supposed to have called into existence thirty new tribes, and to have distributed the whole body of *Adsidui*, or landholders, into five classes, arranging them according to the amount of property at which they were assessed, and subdividing the classes into centuries. The number of these centuries is reckoned at a hundred and ninety-three by Cicero and Dionysius, and apparently they are correct, though Livy adds another, for an uneven number was necessary for the Roman system of voting by centuries. But, assuming the existence of Servius Tullius, there are many difficulties in the way of attributing an arrangement of this description to the period in which he is supposed to have reigned. Cicero, for instance, points out the care with which the preponderance of property was secured by Servius. The additional votes of only eight centuries were required to insure a majority in the Comitia for the eighty-three centuries of wealthy Plebeians, whom he reckons in the first class, along with the Equestrian centuries, whose number he limits to six. So forcible is his reasoning, however, that it is difficult to conceive how the wealthy Plebeians enrolled in the first class, with this vast preponderance in the Comitia, should have struggled unsuccessfully for generations against the exclusiveness of the few Equestrian centuries. The creation of a numerous and powerful class of wealthy and unprivileged proprietors is an absurdity; for wealth, numbers, and power would have insured for their possessors an immediate participation in the privileges of the State. The Rogations of Licinius would have been proposed, and carried, in the reign of Servius, and the supposed arrangement of the king is much more in keeping with the era of the famous tribune.

Another difficulty arises from the mention of Equestrian centuries. Every Patrician was liable to military service, but, in historical times, this service was performed on horseback, and the young Patrician, or *Junior*, was a cavalry soldier. His horse was provided by the State, but in course of time the wealthy Plebeian aristocracy would appear to have avoided enrolment in the infantry of the legions by serving in the ranks of the cavalry on their own horses. The *Eques*, or horseman, was

chosen when Polybius was writing from the wealthiest class (πλουτίνδε) without any reference to the order to which he belonged, whether Patrician or Plebeian, and his service was limited to ten years, the qualification at that time for holding office amongst the Roman magistracy. In other words, the youthful aristocrat, or Junior, whether Patrician or Plebeian, qualified himself for accepting office under the State by serving for ten years in the cavalry, either in the regular *Turmæ* attached to the legions, or in the ranks of the *Extraordinarii* "out of compliment to the Consuls." Caius Gracchus founded the Equestrian order for a political purpose—"in contumeliam senatus"—depriving the Magistracy and Senate of certain privileges which he vested in the novel order. The wealthiest members of the highest class, immediately below the Senatorial order, were assessed during the Second Punic War at a million of *Asses;* and just as the first class was raised above all the others by the supposed arrangement of Servius, so Caius seems to have elevated the wealthiest members of the first class above the remainder, and established them in a permanent and recognised position, as a sort of counterpoise to the Senatorial order. Four hundred *sestertia*, the equivalent of "a million of *Asses*" during the Second Punic War, was the amount of the fortune required for the recipient of the title of Eques, and from this time forward the richest members of the first class were separated from the rest, and became a recognised estate in the Roman Commonwealth under the name of *Equites*. But the application of that title to a particular class of Roman citizens, except when serving in a military capacity, was unknown before the time of Caius Gracchus; and the possessors of the equivalent of "an Equestrian fortune" were merely assessed, during the Second Punic War, as the richest members of the first class. The "turma equitum" was as familiar to the early Roman as the maniple, and the wealthy aristocrat, after serving his ten years in a turma, as a Junior, would have passed into the ranks of the privileged few who were qualified for office in the State, and would have been assessed, when a Senior, either as a Senator or as a leading member of the first class. But the "Centuria Equitum" would have been an anomaly, and the order after its establishment was divided, like the Senate, into *Decuriæ*. The Eques, after serving his time as a Junior, would in this case have been assessed as a Senior, and thus the existence of "Seniores et Juniores Equitum" must be assumed, with the establishment of a separate and recognised order, between the Senate and the first class, from the time of Servius Tullius.

Another difficulty again presents itself in the unaccountable disappearance of several of the Servian tribes; for, by the addition of the Vetus Claudia, the number of the tribes was increased, according to Livy, from twenty to twenty-one. Niebuhr, as is well known, accounts for the missing ten by a conquest, but his conjecture is ingenious rather than satisfactory. He supposes that Porsena mulcted Rome of a third of her

territory, but the rural tribes were the occupants of the Roman territory; of the thirty Servian tribes only twenty-six were rural, and ten is not the third of twenty-six. Rome, again, may have been divided into four quarters in very early days, but her local divisions must not be confounded with her tribes, and the existence of the four urban tribes at such an early period is more than doubtful. They were creations of a historical personage, and were first called into existence about B.C. 304, in the censorship of Quintus Fabius and Publius Decius Mus. Appius Claudius, who is supposed to have been stricken with blindness by the angry gods for his evil doings, thus earning the *cognomen* of Cœcus, availed himself of his appointment to the censorship to fill the tribes, for his own purposes, with the sons of Libertini—with freemen without a pedigree of three descents, or a full-born "pater et avus"—and the consequent election of Cneius Fulvius to a curule Ædileship "first polluted the senate with the son of a Libertine." In order to undo the work of Appius, Quintus Fabius collected "the mob of the Forum" into four tribes, to which he gave the name of Urban—"omnem forensem turbam excretam in quatuor tribes conjecit, urbanasque eas appellavit"—thus earning the cognomen of Maximus, which he transmitted to his descendants. From this time forward the Urban tribes became the receptacle into which it was customary to draft certain noxious elements from the rural districts, and for "eliminating the *fæx* from the rural tribes," or removing the Libertini and their sons into the Urban tribes, the Censors were more than once deemed to have merited the thanks of the Senate.[1]

"It must not excite surprise that the arrangement of the present day, after the tribes have been increased to thirty-five, *by doubling their number*, should not agree with the number of centuries of Seniors and Juniors, as instituted by Servius Tullius."[2]—Such is the singular passage with which Livy concludes his description of the policy of the Roman king, from which it would appear that, by increasing the tribes from thirty to thirty-five, their number was doubled! The remark of the historian, however, is in a certain sense correct, and there is truth in his apparent blunder; for by increasing the seventeen rural or historical tribes to thirty-five—the original three are traditionary—the number may be said to have been more than doubled. The century was a subdivision of a tribe; and its members were classified, during a certain period of the Republic, according to their property, and divided into Seniors and Juniors, according to their liability to military service. Whatever may have been the case in later times, in early days the tribe was divided into ten centuries; for in the original military organization the head of the

[1] Liv. ix. 46. In B.C. 220, and B.C. 168, for instance, the sons of Libertini were removed from the rural into the urban tribes. In the latter year those who had "prædia, prædiave rustica, pluris sestercium triginta millium," or above 75,000 *Asses*, were suffered to remain. Liv. xlv. 15.

[2] "Nec mirari oportet, hunc ordinem, qui nunc est, post expletas quinque et triginta tribus, *duplicato earum numero*, centuriis juniorum seniorumque ad institutam ab Servio Tullio summam non convenire," are the words of Livy.

century was the Centurion, or leader of a hundred men; the head of the tribe, or Tribune, was a Chiliarch, or leader of a thousand. Accordingly, after the addition of the Old Claudian tribe to the original sixteen, there would have been a hundred and seventy centuries of Plebeians and seventeen of Patricians in the seventeen tribes assembled in the Comitia Centuriata, a number which the addition of the six centuries of artificers and musicians, enumerated by Livy, would have raised to a hundred and ninety-three. The legionary, in the days of Polybius, was bound to serve in a suit of chain-armour, if his property was assessed at ten thousand drachmæ, or, in other words, if he was enrolled in the first class; and these ten thousand drachmæ make their appearance in the Servian arrangement of Dionysius as a hundred minæ, whilst Livy reckons them as "nummi denarii," or a hundred thousand *Asses librales*. An assessment, that continued to be a reality in the days of Polybius, can scarcely have been imposed in a very remote era; and the distribution of the Roman people in the Comitia Centuriata, for military and other purposes, into a hundred and ninety-three centuries, may probably be regarded as a historical fact, without being assigned to a much earlier period than the era of the Licinian legislation.[1]

The close connexion once existing between the occupation of land and the obligation of military service, is to be traced as plainly amongst the early Romans as amongst most other nations; for in a certain stage of society the army and the people are identical, the members of the non-fighting classes never being reckoned upon the same footing as the others. It can be seen at once that the Spartan army was connected, in early times, with the six local districts from which it was raised, each of these districts furnishing a stipulated number of men. Two *Enomotiæ* made a *Pentacostys*, four a *Lochos*, which would thus originally have numbered a hundred men, under a Lochagus, answering to a *Centuria*, and four lochi made a *Mora*, under a Polemarch. Each of the six local districts would thus have contributed a Mora of four Centuries under a Polemarch; and as Sparta was furnished with two kings, each of the kings would have been the commander of twelve Centuries, a *Chiliarch*, leader of a thousand, or Tribune in his military capacity. Even as late as the time of Polybius, when the Roman infantry was recruited from the tribesmen, without any reference to the local districts in which they were supposed to be enrolled, the impress of the early system seems to be still distinctly traceable in the account of the Legion left by the Greek historian. The traditionary Roman legion, according to Varro, numbered three thousand

[1] This Servian assessment affords another instance of the anomalies presented by Roman history, as it has been composed for this period. The fines in the Twelve Tables, which are supposed to have been compiled long after the reign of Servius, were reckoned in oxen and sheep alone, as the use of money was evidently not familiar to the Romans of that age. Yet the Servian Classes were estimated in money, and estimated highly! Some time after the Twelve Tables are supposed to have been compiled, the money value of these fines was settled by the Lex Aternia et Tarpeia, fixing the legal value of the ox at 100 *Asses librales*, and of the sheep at 10. The dates assigned to the compilation of the Twelve Tables, and to the publication of this law, are of course supplied by conjecture.

men, evidently representing a levy of a hundred men, under a Centurion, from each of the thirty Centuries. Each tribe would thus have furnished a thousand *Quirites* under a Tribune, a military title that Polybius always renders *Chiliarch;* and the whole force would have been under the command of thirty Centurions and three Tribunes. The form of the traditionary legion seems to have been still preserved up to a certain point, in the time of Polybius, though he never uses the word *Centuria* in a military sense; for the three classes of Spearmen subdivided into thirty Maniples, each under the command of a Centurion, present some semblance of the three tribes, subdivided into thirty centuries; though, in accordance with the military custom of the period, *two* centurions were appointed to every maniple, and *six* military tribunes, instead of three, commanded the legion.[1]

A similar connexion with the organization of the Roman legion seems traceable, up to a certain point, in one of the earliest systems of Roman colonization. After the dissolution of the old Latin Confederacy, the thirty cities of which it was composed would appear to have been replaced by a new confederation of thirty cities, known as "Coloniæ populi Romani," the original "Latin colonies." An alliance between the old Latin confederacy and Rome seems to have existed from a very early period, and it may be gathered from a passage in Livy that, by one of the stipulations of this alliance, a legion was supplied by the confederacy to assist the Romans in war. The Romans were accustomed, writes the historian, "to raise four legions, each numbering about five thousand men, and one only was added from the Latin levy."[2] Every city, therefore, in the Latin confederacy would have been regarded, for this arrangement, as a century, contributing a maniple and ten horsemen to the stipulated legion; and it was partly to replace this legion that, upon the successful conclusion of the Latin War, colonies of "Roman people" were established in Latium, enjoying all the privileges of self-government belonging to the earlier confederacy, and fulfilling its obligations towards Rome, without being enrolled as Roman citizens with the suffrage amongst the Tribes. In the tenth year of the Second Punic War, however, twelve of these Latin colonies declined contributing any further supplies, either in men or money, to the parent State. They pleaded complete exhaustion; and though admonished that they were "neither Campanians, nor Tarentines, but Romans, and descendants of Roman ancestors, who had been sent into conquered land to add to the numbers of the old stock," they persisted in their refusal. A Latin colony by this time was merely a colony founded upon the principles that governed the Roman colonization of Latium, and the thirty cities were no longer confined to Latin soil, some being in Umbria, others in Lucania, and

[1] Polyb. vi. 20-22. *Vide* Note A.

[2] "Scribebantur autem quatuor fere legiones quinis millibus peditum. . . . Alterum tantum ex Latino delectu adjiciebatur."—Liv. viii. 8. The passage is corrupt, for *fere* ought surely to follow *quinis* rather than *quatuor*, and I can make no sense out of *alterum* except by altering the gender.

more than one in Gallia Cispadana. The recusants, however, were for the most part inhabitants of small cities in the neighbourhood of Rome, and their plea of exhaustion may not have been devoid of truth. Six years later they were called to account, and "the consuls, magistrates, and decurions (*denos principes*)" of each of the twelve cities were summoned to Rome. A double levy of infantry, and one hundred and twenty horsemen were demanded from the defaulters, with the annual payment of a "stipend of the thousandth As"—the Roman *tributum*—and of the annual census levied by the Roman Censors. Thus the obligations of the members of a Roman tribe were imposed upon them, as a fine, in addition to the taxes levied by their own magistrates; and as contributors to the Roman treasury without the privilege of the suffrage, they were practically punished by being made Ærarians. The hundred and twenty horsemen, a levy of *ten* from each of the twelve cities, would appear to represent the ordinary contribution of cavalry from each of the thirty colonies; three hundred in all, the amount attached to the legion that once represented the military obligation of the early Latin confederacy transferred to the thirty Roman colonies.[1]

Only one description of colony would appear to have been familiar to the Romans before the Latin War—the "Colonia civium Romanorum." Cære was the first Municipality, and as to be enrolled "in tabulis Cæritum" was equivalent to being struck off the roll of a tribe, and reduced to the position of an Ærarian, every colonist, before the introduction of the Latin colony and the municipality, must have necessarily continued to be a member of some Roman tribe, and retained the privilege of the suffrage. The introduction of three hundred Roman citizens into a conquered city, a cohort, as it were, detached from the early Legion, with an allotment of a third of the conquered land for their support, is the usual form under which such a colony appears in tradition; and as the traditional number occasionally makes its appearance in historical times, the tradition itself may be only a reflection of the truth, thrown back into the prehistoric and legendary era. Thus Romulus is said, by Dionysius, to have planted three hundred colonists in three cities in the immediate neighbourhood of Rome, at the same time enrolling three thousand of the local population amongst the tribes; a description from which it may be gathered that the foundation of a tribe, in early times, may have occasionally been laid in a similar manner. Colonies of Roman citizens are supposed to have presented pictures in miniature of the parent State—"effigies parvæ, simulacraque populi Romani." The colonists supplied the place of the senate and magistracy of the city, replacing the families of local origin which had, before that time, enjoyed

[1] Liv. xxvii. 9; xxix. 15. The Ærarian was any contributor to the Roman treasury who was not in the enjoyment of the suffrage. No disgrace was attached to the position of an Ærarian, as is sometimes supposed, except a Roman citizen was *reduced* to it. There is no disgrace attached to serving in the ranks of the army, or to not possessing a vote; but to be reduced to the ranks or to be deprived of a vote for misconduct is considered disgraceful—or ought to be so.

the possession of similar privileges; and their descendants, with the numerous little local aristocracies that, from time to time, exchanged the position of alliance for that of citizenship with the suffrage, played a conspicuous part in Roman history amongst the aristocracy of the Plebeians. Upon the conclusion of the Latin War, when the Veliterni, old Roman citizens, were punished for their repeated defections, their Senate was banished with ignominy beyond the Tiber, and the "agri senatorum," or lands in the occupation of the leading families of Velitræ, were distributed amongst fresh colonists. When Privernum was similarly treated, soon after the First Samnite War, the Senate was also banished beyond the Tiber, but the remainder of the Privernates were enrolled as members of the Ufentine tribe. In both cases the lesser landholders would appear to have been undisturbed, and in both cases there can be detected the existence of a privileged class, in the occupation of land set apart for their exclusive use. The colony of Roman citizens entered upon the privileges of such a class, and, whilst retaining the Roman suffrage in the capacity of Plebeians, became Patricians, with all the privileges of Patricians, within the limited circle of their immediate neighbourhood.

The influence of two different elements seems traceable amongst the early Romans: the Etrurian, originally alien and hostile, and the Latin, kindred and friendly—for the Roman was a Latin with a considerable infusion of Sabine blood. There were Sabines and Sabine-Quirites—"veteres illi Sabini Quirites, atavique Romani,"—and Spurius Ligustinus, "born a Sabine of the Crustuminian tribe," was a Sabine-Quirite; but the Latin-Quirite is never met with, for his name was *Romanus*. Both the Etrurians and Latins were united respectively in confederacies, but with a noticeable difference; twelve large cities ruling over the wide extent of Etruria, whilst thirty little communities composed the confederation in ancient Latium, a narrow district measuring only fifty Roman miles from the Circeian promontory to the Tiber. The leading city of Etruria was evidently large, and all but impregnable. Ten years are supposed to have been passed in ineffectually besieging Veii, and the walls were uninjured when the city fell. Taught by experience, the Romans seem to have generally destroyed the leading cities of Etruria, as they fell into their power, often building another city in a different locality for their colonists, who might have been troublesome to deal with behind the old Etrurian walls. But the rural population of Etruria, the Penestæ, were slaves, and thus her strength lay in her walls, her weakness in the rural districts. Accordingly, within a few years of the fall of Veii, the Roman tribe-lands reached to Capena and the Sabatian lake, for there was nothing to oppose this extension until the vicinity of some other leading city was approached. Rome, indeed, captured and burned by the Gauls, seems to have risen, like Antæus, with fresh vigour from the ground, and entered upon a career of conquest; as if the early power of Etruria, based upon a servile population, had been broken by the Gallic inroad. The Latin cities, on the contrary, unlike the Etrurian,

were small and numerous, the Romans experiencing little difficulty, apparently, in reducing them, and never hesitating to occupy them with colonists. A curious episode seems to have occurred between the First and Second Samnite wars, pointing, perhaps, to an exception to this rule. The Privernates were more than once engaged in hostilities against the Romans, but their city seems to have been twice captured with ease, and again restored to them, though on the second occasion the people were mulcted of two-thirds of their territory. Suddenly the Privernates took up arms under Vitruvius Vaccus, a leading citizen of Fundi, and eminent also at Rome, where he lived on the Palatine. More than ordinary importance seems to have been attached to this war, though waged against the Privernates alone, or at the most assisted by the Fundani; for both the consular armies, representing the whole ordinary force of Rome, were directed against Vitruvius. Declining a contest in the open field, he retired upon Privernum, as if it had been converted into a place of strength, whilst the Senate of Fundi, meeting the Roman armies on the frontier, disclaimed all connexion with their compatriot, declaring that "their minds were Roman, in grateful recollection of the citizenship bestowed upon them." Upon the rumour of a Gallic inroad, "a mob of artisans and hucksters, a material most unsuitable for soldiers, is reported to have been called out," and, upon the rumour proving false, this additional force, which is described as numerous (*ingens exercitus*), was directed on Privernum. "Privernum omnis conversa vis," and Rome seems to have been thoroughly alarmed. The eventual fate of Vitruvius is well known: he was taken to Rome, and scourged to death, or beheaded; his house was destroyed, and the site, long unbuilt upon, continued to be known as *Vacci prata;* but there is a mystery about the manner of his fall, some maintaining that the city was taken by assault, others that his followers betrayed their leader. The walls of Privernum were levelled with the ground, the Senate was banished beyond the Tiber, but the delegates summoned to Rome to explain the conduct of the other citizens assumed an exceedingly bold demeanour. "What punishment do we deserve? The punishment of men who deem themselves worthy of liberty. What faith will we keep? Good or bad, as you treat us." Pronounced to be worthy of freedom, the Privernates were enrolled amongst the citizens of Rome, becoming members of the Ufentine tribe, but their city is described by Festus as a *Præfectura,* and thus the Romans would appear to have thought it prudent to retain the appointment of the magistracy in their own hands. The Privernates were neighbours of the Samnites; Privernum commanded the passes into Latium; and behind its walls Vitruvius seems to have held the whole force of Rome for some time at bay. Rome escaped the danger, but it would not have been in accordance with her policy to permit the construction of Etrurian walls around any other city of Latium except her own. But if the walls of the Latin city were weak, her strength lay in the freemen of the rural districts, furnishing the flower of the Roman

legions, as they were gradually enrolled amongst the Roman tribes. An urban oligarchy, monopolizing religion, arts, and arms, and ruling over a servile population from behind impregnable walls—such may be described as the political system of Etruria; whilst in Latium there would have been found the elements of a numerous rural aristocracy, on a small scale, warlike, though comparatively uncultivated.[1]

Rome herself was once a small city, perhaps a group of three small cities; a little confederacy, represented amongst the greater confederation of thirty cities, uniting in the sacrifice of the ox in the Ferentine Grove. The Gabine territory was a mystical region in the fivefold division of the horizon by the Roman augurs; the Gabine dress was worn by the founder of a new Roman city; and in some long-forgotten period there must have been a close connexion between the cities, and Gabii may have been the greater of the two. The original Seven Hills of Rome (*Septimontium*)—the Palatine, Velian, Oppian, Cispian, Clælian, Cermaline, and Fagutaline—were all within the boundaries of the three urban tribes, Suburana, Esquilina, Palatina, between which lay the Seven Acres of the Forum. Hence the Quirinal, Viminal, Capitoline, and Aventine, four of the later Seven Hills, as they were not included in the original Septimontium, were without the earlier limits of the city, or cities. The traditional constitution of Rome was thoroughly Latin. The hundred heads of families, or Patres, contributed from each of the three little communities, or tribes, to the deliberative assembly of the Adsidui, answered exactly to the Senate of the Latin city or colony. The hundred Patres, again, were subdivided into Decuries, each under its Decurion; and the ten Decurions, or Curiones (for they were probably identical in early times), corresponded closely with the "Deni principes," so often summoned to Rome, in historical times, from the Latin colony or city. But the Servian walls, and other massive constructions of ancient Rome, were unquestionably of Etrurian origin, and seem to tell of a time in which Rome was an outpost of Etruria upon the southern bank of the Tiber, strengthened and fortified upon the Etrurian system. An Etrurian confederacy of twelve cities ruled over Campania until overthrown by the Samnites; and when Etruria held dominion on the northern bank of the Tiber, and on the southern bank of the Liris, what must have been the condition of the country lying between these rivers? A connexion is sometimes traced between *Mœnia* and *Munera*—between wall-building and obligatory burdens, *corvées*, or task-work—and the connexion, if it ever existed, may be supposed to have dated from this epoch. As the Quirinal and Viminal were enclosed within the Servian walls, the number of the urban districts would appear to have been increased to four, by the addition of Collina, the fourfold division of the city, dating from this epoch; whilst the Seven Acres of

[1] Liv. vii. 16; viii. 1, 19, 20, 21. I use the expression "aristocracy" advisedly, for a democracy, in which every member was a slave-owner, was not a democracy in the sense in which the word is used in modern times.

the Forum, losing their earlier Latin character of a comparatively open space, became the centre of a fortified city. Thus Rome was converted into a city of Etrurian strength, with a free Latin population in the neighbouring rural districts; and in the union of these elements may have lain the secret of her ascendancy, as soon as she was able to shake herself free from the yoke of Etruria. The traces of the Etrurian ascendancy, however, would appear to have been left upon the policy, as well as upon the walls and buildings of Rome; for a constitution that was sufficiently free and liberal for the three small tribes for which it was originally framed, remained comparatively unaltered until the number of the tribes had increased to twenty-one. Adhering to the principles they had learned under Etrurian rule, the members of the earlier Gentes, or local aristocracy of Rome, clung to their monopoly of power and privilege, thus placing the newly incorporated *Adsidui* of the tribes upon a footing of inferiority, and only nominally removed from the condition of the Penestæ, until the free Latin element, under Licinius, successfully asserted its rights.

The number *three*, and its multiples, are continually to be met with, as is well known, in the legendary and traditionary history of Rome, and seem to have been equally in favour with the Latins. The three cities of Antemnæ, Cænina, and Crustumerium, for example, took up arms together against Romulus, and were jointly conquered and colonized. The three cities of Fidenæ, Nomentum, and Crustumerium, were founded by three brothers; Corioli, Longula, and Pollusca, jointly fought, and were jointly vanquished; and, in historical times, Alatrium, Ferentinum, and Verulæ, were united in their refusal to combine with the Hernician league, under Anagnia, against Rome. Two Prætors, and ten "Principes," represented the supreme council of the Latin league just before its fall, when each of the Principes must have been the representative of three of the thirty confederate cities. It may have flattered the vanity of the Romans, in a later age, to imagine that their city rose in independence from amidst the marshes of the Tiber, as Minerva sprung armed into existence from the head of Jupiter; but isolation in the midst of rival confederacies would have meant destruction, and there may have been a time in which the three Patrician centuries of early Rome formed a cohort in the legion of a kindred and protecting confederacy, though her sons would have refused to believe in the existence of such a period. A fourfold division is as observable in the early historical period, as the threefold in the traditionary era. Rome, which may once have been formed by a confederation of three little cities, appears to have been divided, after the construction of the Servian walls, into four quarters, each corresponding with one of the four urban tribes subsequently called into existence; whilst the extramural district was distributed amongst sixteen rural tribes, constituting the Roman people. Three Pontifices, with a Rex, are supposed to have constituted the Pontifical College in the earlier, four, with a Pontifex Maximus, in the

later era. The Patrician Augurs must have numbered four instead of three when the addition of five Plebeians filled the College of Augurs with nine members. The traditionary legion amounted to three thousand men, raised by a levy of a thousand from each of the three tribes; the ordinary military establishment of Rome, in the days of Polybius, was still fixed at four legions, each of four thousand men, answering apparently, in an earlier time, to a levy of a thousand from each of the sixteen tribes. To every colony of Roman citizens there appears to have been assigned a district in proportion to the number of the colonists (*ager mensura comprehensus*), of which a portion consisted of allotted land, distributed as permanent private property amongst the colonists, according to the usual rules of Roman land measurement. The remainder was unallotted, and often known as *ager compascuus*, or common pasture land; but as landed property belonging to civic corporations was frequently included, at a later period, amongst the Agri Vectigales, if any part of the unallotted land was cultivated by a free class, it would have remained at farm in the possession (originally) of the earlier proprietors, as in the case of the Sicilians mentioned by Cicero, but in the joint "occupation" of the leading families of the little State, or the colonists and their descendants. It may be gathered, from the course thus followed in the foundation of an early colony, that the land of the parent State, before it was indefinitely increased beyond its earlier limits by conquest, was similarly divided into allotted and unallotted land, the leading members of the Gentes representing the privileged class, as the magistracy and senate of Rome.[1]

If Ovid may be trusted, the festival of the *Terminalia* was celebrated at the sixth milestone from Rome—sextus ab Urbe lapis—and as the Roman measurement of land was invariably square, if the district around the old city of *Roma Quadrata* is supposed to have covered a similar distance in every direction, the *Banlieue* would have extended over a surface of (12 × 12) a hundred and forty-four square miles. The Centuria in the Roman system of measuring allotted land (*ager viritim divisus*) was a square, according to Varro, with each of the sides measuring MMD feet, or five hundred paces. The Saltus was a square of four Centuriæ, each of its sides, therefore, measuring *mille passus*, so that the Saltus was identical with a square mile, and the district around Rome would have extended over a hundred and forty-four Saltus.[2] It

[1] "Quarum ager, cum esset publicus populi Romani factus, tamen illis est redditus; is ager a censoribus locari solet."—Cic. *Ver.* iii. 6.

[2] "Centuria est quadrata in omnes quatuor partes, ut habeat latera longa pedum MMD. Hæ porro quatuor centuriæ conjunctæ . . . appellantur in agris divisis viritim publice saltus."—Varro, *R. R.* 1, 10. The ordinary agricultural measurement in use amongst the Latins in the time of Varro was the Actus Quadratus of (120 × 120, or) 14,400 *square feet*. In Campania they used the Versus of (100 × 100, or) 10,000 *square feet*; and the unit of both systems was the Scripulum of (10 × 10, or) 100 *square feet*. The Versus of 100 scripula seems to have been connected with the "Modius ac Mina," or the light talent of 20 *lbs.*, (Modius) and Mina of 100 Litræ, so familiar in the early coinage of Sicily and Rome, so that the Scripulum of land answered to the litra rather than the scruple. A Roman *lb.* of metal

must not be imagined that the Roman Banlieue was mapped out, like a chess-board, within the boundaries of the six-mile Termini. Every *Limitatio* supposes either an original allotment, or a redistribution of the land, and some such a redistribution may have taken place when the earlier constitution of the Roman State was changed; but the land around the city at such an early period would have been, for the greater part, "compascuus ager," or unallotted land, and its boundaries would not have been very accurately defined. Calculations of this description, however, have a certain value in occasionally serving to test the accuracy of facts assumed to be historical. Veii, for instance, is supposed to have been in the possession of a more fertile, and more extensive territory than Rome, and only separated from the latter city by a hundred stadia. Place the Roman termini at half that distance, and it may be questioned if they would not have been planted in Veientine territory. There is no allowance even for a *march*, or frontier district, so necessary for the separation of rival and hostile communities; and it may be inferred that before the fall of Veii, very little, if any, of the Roman tribe-land lay upon the right bank of the Tiber. Indeed, if there is any foundation for the tradition in Festus, that Romelia, which was supposed to be the first of the rural tribes, was established by Romulus upon land conquered from the Veientes, their territory may have originally bordered upon the river, and the march have been represented by the Tiber. Veii is supposed to have been utterly destroyed, its people sold as slaves, and its territory distributed in large allotments amongst the conquerers, not only the heads of families, but every free-born member, receiving seven jugera instead of two. Four new tribes were added to the Roman people shortly afterwards, and lands were allotted to them in the neighbourhood of Capena, the Sabatian Lake, and other places in Etruria beyond Veii, pointing to a vast extension of the Roman territory in that direction, as soon as she was relieved from the fear of Veii.

would have weighed 288 scruples, or three minæ of 100 litræ; but a Roman *lb.* of land (the Juger) would have only contained 288 scripula, or 12 short of three versus. Hence the measure used in the Public land, as described by Varro, agrees much better with the Campanian than with the Latin system, the Saltus containing 2500 versus, or about 868 jugera; and I think the use amongst the Romans of these measurements cannot be dated much earlier than the time of the Gracchi. "What flour can compare with the Campanian; what wheat with the Apulian?" asks Varro. Southern Italy was the locality for growing corn, and when tillage replaced pasturage on the Public land, the measurements of the corn-growing districts seem to have been adopted. The old Latin system, which was evidently duodecimal, stopped at the *Hæredium* of four Actus Quadrati; for land measurement belongs to tillage-farming rather than to pasturage. The Saltus was divided by *limites*, five-sixths of which were known as *subruncivi*—"rooted up"—answering to the American "clearing," and our own "field" in its early signification of land cleared for cultivation. The Saltus disappears from the system of a later age, leaving the Centuria as the highest measurement. "Centuria habet pedes MMCCCC. per MMCCCC. passus CCCCLXXX. per CCCCLXXX. actus XX. per XX. . . . Fiunt in centuria acti constrati CCCC. . . . efficit jugera CCC." "Kastrensis jugerus quadratas habet perticas CCLXXXVIII. pedes autem quadratos XXVIII. DCC. . . . Itaque Kastrensis jugerus capit Kastrenses modios III."—*Gromatici Veteres* (Lachman), t. i. pp. 245, 354. These are slightly different measurements from those of Varro; but the scripulum is traceable in the Pertica quadrata, and the Versus quadratus in the Modius.

Rome must have been comparatively a petty State before that time, in spite of her supposed three centuries and a half of independent existence.[1]

Some idea may be gathered of the manner in which an early Roman tribe occasionally grew into existence, from the passage in which Livy describes the formation of the Old Claudian tribe. To Claudius, and the numerous clients who had followed him from amongst the Sabines, a district was assigned beyond the Arno, and nine little communities belonging to the same locality (*tribulibus qui ex eo agro venirent*) were subsequently added to the new tribe, to complete, apparently, the necessary ten Centuries. Claudius and his kinsmen formed the Patrician element, assuming a place amongst the Gentes represented in the Comitia Curiata by a Curio; but the nine communities were of the same national descent as the Claudii, as may be gathered from the words attributed by Livy to Spurius Ligustinus, "I was born a Sabine, of the Crustuminian tribe:" for there seems to be little doubt that, in course of time, the tribe exchanged its original name of Claudia for that of Crustuminia—hence, perhaps, the epithet of *Vetus* applied to the Claudian tribe by Livy. The Tusculani, again, afford an example of the manner in which a kindred Latin race was incorporated amongst the tribes, exchanging a position of independent alliance for the closer connexion of Roman citizenship. In the earlier part of the historical period the Tusculani make their appearance as allies of Rome (*in societate*), suspected of disaffection; but they disarmed the anger of the Consul and the Roman army sent to punish them, and were forgiven, admitted to Roman citizenship, and enrolled in the Papirian tribe. A Dictator and a Senate were in existence amongst them at that time, and as the city appears, in a later age, as a Municipality, the Tusculani must have retained the privilege of a separate magistracy and senate, after their incorporation with the Roman Commonwealth. Some of the most famous of the Roman Gentes, the Fulvian, the Mamilian, the Porcian, for instance, traced their origin to Tusculum, where members of the Fulvian kindred still continued to reside in the days of Cicero.[2]

The Egyptian embalmed his ancestors, and Herodotus has described the rows of mummies, each representing a *Piromi*, the son of a *Piromi* —a *man*, or full-born Egyptian—displayed by the priests, in token of the ancient origin of their race. The Roman buried or burnt his father, modelling a waxen image of the dead, if he had held honourable office under the State during his lifetime, and the *Imago* decorated with the ensigns of office, instead of the actual body embalmed, formed one of the links in the chain of long descent. Thus the Patrician of ancient Rome founded his title to nobility upon his *Imagines;* but the custom of establishing a pedigree in the ancient world in this, or in some similar manner, must not be supposed to have been confined to Rome and Egypt. In every city in which there was a local magistracy and senate, there would have been families enjoying the privilege of electing the

[1] Liv. v. 22-30.

[2] Liv, ii. 16; viii. 37; xlii. 34.

magistracy and senate; and the members of these families would have treasured up the *Imagines* of their ancestors, or proved their pedigree in some other way, in testimony of their claims to belong to noble and long-descended races. As long as the city of Tusculum was only united to the city of Rome by the tie of an independent alliance, the Patres Tusculanorum would have been upon an equal footing with the Patres Romanorum, each representing an independent local aristocracy. But as soon as the Tusculani, in consequence of receiving the citizenship *with* the suffrage, were enrolled in one of the Roman tribes, the Patres Tusculanorum must have sunk into a subordinate position. They were transformed into a provincial aristocracy, as it were, in dependence upon the local aristocracy of the capital; continuing, indeed, to be Patricians within the limited circle of the Ager Tusculanus, but without a voice in the affairs of the State to which they now belonged, and ranking only as Plebeians. In the account left by Suetonius of the Octavian Gens, the descendants of Cneius Octavius settled at Rome, and, by filling various offices of trust and dignity under the State, grew into one of the most wealthy and important of the Plebeian families with senatorial rank. The descendants of Caius Octavius, "content with the municipal dignities of their native city," are supposed to have remained at Velitræ, so that the father of Augustus, who was a member of the Equestrian order on account of his ancestral wealth, was a *Novus homo*, or the first of his family to obtain office under the State, and thus bequeath an *Imago* to his descendants. The position supposed to have been occupied for so long a time by the younger branch of the Octavian Gens may be said to have corresponded, up to a certain point, with the situation of all the Plebeian Gentes under the earlier Roman system. However wealthy and important they may have been in their native cities, their very existence, as members of the Roman aristocracy, was ignored, for they could not have attained even to the position of *Novi homines*.[1]

The great extension of the Roman power, after the fall of Veii, must have reduced the local Patricians of a number of small cities in the immediate neighbourhood of the capital to a similar position. Gabii, for instance, appears as a municipality in a later age, and Labicum; and both Gabii and Labicum were situated within the limits of the tribe-lands, and would appear to have exchanged their position of independent alliance for the rights of citizenship with the suffrage, about the same time as Tusculum. There must have been local Patricians also amongst the four tribes added after the fall of Veii—unless it is to be supposed that every city within their limits was either destroyed or punished by being reduced to the condition of a *Præfectura*, with a magistracy appointed from Rome;

[1] Suet. *Aug.* 1, 2. Antony laughed at the pedigree of Octavius, asserting that his grandfather was a money-lender, and the son of an enfranchised rope-maker. But he probably only retailed the scandal circulated by the head of the family, a partisan of Pompey, and in command of a part of Antony's fleet at Actium. The elder branch were always staunch *Optimates;* Octavius was of the opposite party, and was in consequence ignored as a member of the family.

and in each of these cities the Senate would have been filled by a local aristocracy. Where a Roman colony was introduced into a city within the limits of the tribe-lands, the colonists and their descendants would have grown into a similar order, continuing in the enjoyment of their rights as Plebeians, from retaining the privilege of the suffrage. The case of Velitræ may be cited as an instance in point. Originally a Latin city in the occupation of a Roman colony, after her Senate was banished beyond the Tiber, or, in other words, incorporated amongst the new tribes, their lands were confiscated amongst a new band of colonists, and in about the fourth generation after the Latin war, the Octavii, a Gens from Velitræ, began to make their appearance amongst the Roman magistracy. Thus, as the power of Rome extended, a continually increasing number of small local aristocracies must have been added to the roll of her tribes, contributing the flower of their youth to recruit her legions, but excluded by the aristocracy of the capital from participating in the advantages gained by their blood and valour, or from obtaining any share in the government of the commonwealth. An ancestor of the Fulvii, for instance, or of the Porcii, after serving in the ranks of the legions whilst a junior, would have contributed his allotted portion towards the pay of the soldiery, under the name of *tributum*, after he became a Senior and attained the position of a Senator in his own city, whilst he was also liable to the assessment of the Roman Censors. But he had no claim upon the land he had helped to conquer, no hope of advancement beyond the local magistracy of his own city, nor was there a chance of his voice being heard in the Councils of the State he had faithfully served. Such was the state of affairs that led to the agitation of Licinius; the contest lay between the rival aristocracies of the capital and of the tribes, and not between a class of nobles and a class of peasant farmers; for, after the enactment of the laws bearing the name of the famous tribune, we may long look in vain for the name of a lowly-born man amongst the Roman magistracy. Every so-called Plebeian appears upon the lists with the mark of nobility, the family name, as the member of a Gens, though his *Imagines* may have been treasured up in a dependent city, and only borne the ensigns of provincial dignity. The whole body of Plebeians supported their tribunes in the struggle, but had the Plebeians been confined to the poorer classes alone the issue of the contest would have been widely different. A few judicious allotments of land would have silenced the most clamorous, by converting them into small local aristocracies, under the name of colonists, established at a convenient distance from the capital. It was a contest between the limited aristocracy of the capital and the more numerous aristocracies of the tribes; the former struggling for the retention of their privileges, the latter for the abolition of the State monopoly, and the local aristocrats of the capital were defeated.

The right of occupying public land would appear to have been extended to the victorious party by the regulation of Licinius, limiting

individual occupation to five hundred *jugera*, with the privilege of pasture for a hundred larger, or five hundred lesser stock, whilst the remainder of the public land was to be "distributed" amongst the Plebeians. The numerous small allotments, however, which would necessarily have followed such a distribution, if practically carried out, may be sought for in vain, and the true character of the "distribution" may be gathered from the subsequent condemnation of Licinius for evading his own law. By emancipating his son he contrived to monopolize in his own family a thousand *jugera*, or a double portion of public land, a proceeding from which it would appear that the Censors, after distributing the public land, in stated quantities, amongst the *Patres* of the local aristocracy, divided the remainder, in similar portions, amongst the *Patres* of the aristocracy of the tribes. The Census seems to have regulated the qualification for occupying public land. As service in the cavalry, one of the privileges originally confined to the Patricians, was monopolized in the time of Polybius by the most wealthy class of landholders—the qualification was unquestionably in land—it may be supposed that, in consequence of the legislation of Licinius, the capability of enjoying the privileges of the local aristocracy was conceded, sooner or later, to all the members of the highest class in the assessment. Accordingly, before the lapse of a generation, every office once monopolized by the Patricians, whether Consul, Censor, Prætor, Military Tribune, or Dictator, had been filled by a Plebeian; but the name of a lowly-born man may be sought for in vain, and the remark of Cicero about the influence secured to property by the regulations of the imaginary constitution of Servius, may be applied with equal, if not greater, force to the results of the real legislation of Licinius.

The constitution of Servius Tullius, therefore, may be supposed in some measure to have been a reflection of the real legislation of Licinius. Both may be said to have called the Plebs into existence as an actual estate in the commonwealth; but the Plebs of Servius was a myth, the Plebs of Licinius a reality. Nor can the Servian classification and assessment, described by Dionysius and Livy, with the arrangement of the Centuries adapted to the seventeen rural tribes, be attributed to a time very much earlier than the age immediately preceding the agitation of Licinius. Ten thousand Attic drachmæ, an Æginetan or Sicilian talent of silver, represented the qualification of the highest class actually serving in the infantry of the legion in the time of Polybius; and as the Attic drachma was at this time worth a pound of copper the qualification would have represented ten thousand *Asses librales*, or only a tenth of the Servian assessment as given by Livy. Cicero, who reduces the lowest class to fifteen hundred *Asses*, seems to have been much nearer the truth; for the highest valuation would have amounted in this case to (1500×8 or) twelve thousand *Asses librales*, a sum that, with due allowance for the difference in calculating the *myriad* by the decimal or duodecimal hundred, would have differed very little, if at all, from the "myriad of

drachmæ" in Polybius.[1] When the fines levied under the old law began to be paid in money, instead of in cattle and sheep, the ox was reckoned at a hundred *Asses librales*, or a Corinthian talent of copper, and the sum of three thousand Asses, in which each of the ten sureties for Cæso Quintius was bound, answered evidently to the fine of thirty oxen, the highest allowed to be inflicted by the code of the Twelve Tables.[1] The valuation of the ox at a hundred Asses seems to identify the old qualification of "a myriad of Asses," answering to "a hundred head of cattle," with the number of larger stock that each of the leading men of the State was permitted, by the Licinian regulations, to pasture upon the public grazing lands; and it is not unlikely that pasturage for a hundred head of cattle may have constituted, at some early period, one of the privileges of the Roman with full rights. The privilege would have been represented, in a somewhat later period, by a money valuation of a myriad of *Asses*, which again would have assumed the shape of an Æginetan talent of silver in the days of Polybius—the lowest qualification for enrolment in the first class. For it is not to be supposed that this Æginetan talent of silver represented the ordinary amount of property at that time belonging to a wealthy Roman. When a fleet was equipped in the fifth year of the Second Punic War, every Roman, who was in the possession of a certain amount of property, was called upon to provide and pay one or more sailors to man the ships. Every possessor of property assessed at from fifty to a hundred thousand Asses was bound to find one sailor with six months' pay; and three sailors with a year's pay were required from the citizen with from one to three hundred thousand Asses. All who had more than this amount, but less than a million, found five sailors; possessors of more than a million supplied seven sailors, and Senators eight, a year's pay being included in every case. A million of Asses would, therefore, appear to have been the lowest amount of the ordinary fortune of the wealthiest members of the First class who were not inscribed amongst the Senators, and a fortune of a million of Asses, in the opening years of the Second Punic War, would have been represented in the time of Polybius by ten myriads of drachmæ. The latter sum exactly answers to the four hundred Sestertia, or hundred thousand denarii, the amount of property subsequently required for admission to the Equestrian order; and thus the Equites, as an order, represented the wealthiest members of the First class who had not attained to the privileges and possessions of senatorial rank.[2]

[1] Aul. Gell. xi. 1; Liv. iii. 13. "Locupletes assiduos appellasset . . . eos qui aut non plus mille quingentum æris, aut omnino nihil in suum censum præter caput attulissent, proletarios nominavit."—Cic. *R. P.* ii. 23. Thus the smallest landholder in the Fifth class was valued as the possessor of fifteen head of cattle, so thoroughly was the Roman system based upon property. The ransom for every Roman prisoner after Cannæ was fixed, according to Livy, at 300 Quadrigati, or 3000 Asses; and though the legal value of the ox had long ceased to be reckoned at 100 Asses, the old "thirty oxen" may have lived on as a sort of *wergild*. In later days it was a principle of *Land-right* that no freeman should be amerced "above his *wer*." For the different ways of calculating the Myriad, *vide* p. 27.

[2] Liv. xxiv. 11. *Vide* Note B.

From the era of the Licinian legislation, the privileges, once monopolized by the local aristocracy of Rome, were sooner or later thrown open to the landholders of the tribes; and thus were the foundations laid of the warlike military aristocracy, destined, in course of time, to conquer the then known world. A change may be also noticed, from about the the same period, in the system of colonization, the Latin Colony and the Municipality gradually replacing the earlier colony of Roman citizens. A colony of the latter description necessarily implied the possession of the suffrage, or, in other words, incorporation with the tribes; but as soon as the Patrician privileges were thrown open to all the members of the tribes, participation in the suffrage carried with it the possibility of attaining to the highest offices of the State, with all the concomitant advantages. As the Plebeian aristocracy grew in power, it would not have been their policy to increase, over largely, the number of participators in the privileges they had secured for themselves; and accordingly, from this time forward, the suffrage appears to have been rarely bestowed upon a colony, except when the surrounding district was incorporated with the tribe-lands. The Latin colonist was a Roman, standing in the position of a member of the early Latin Confederacy, whose city was represented in the sacrifice offered by all the people of Latin origin in the Ferentine Grove. He chose his own Magistrates, and notably his own Censors; but he was without a voice in the direction of the policy of the Roman State, and without a claim to share in the privileges of a Roman citizen. The Municipal colonist, again, was a Roman citizen *without* the suffrage, liable as a *Municeps* to participate in the obligations of citizenship, but without its advantages. He enjoyed all the privileges of self-government, however, up to a certain point, but he remained under the jurisdiction of the Roman Censors, and was consequently an *Ærarian*, contributing to the Roman treasury, but debarred from the privileges arising out of the exercise of the suffrage. After the wide extension of the franchise, towards the close of the Republic, the Municipality, from uniting the advantages of self-government with the privileges of citizenship, became the most favoured form of colony; but the position of the municipal colonist, before that time, must have been not unlike that of the Plebeian member of the tribes before the legislation of Licinius.

Rather more than a century may be said to have passed away before the number of the rural tribes was "doubled"—to use the expression of Livy—or raised from seventeen to thirty-one, corresponding very closely with the number of a confederacy upon the Latin system. The old Latin Confederation seems to have been made up of thirty cities, each with a Senate, or ruling body of a hundred members; but *forty-seven* separate communities, according to Dionysius, were accustomed to participate in the sacrifice of the ox, with which the *Feriæ Latinæ* were celebrated in the Ferentine Grove, representing apparently the thirty cities of Latium, and the seventeen tribes of Rome.[1] Labicum, Gabii, and Bovillæ could

[1] Dion. iv. 49.

scarcely supply representatives to participate in the Feriæ when Cicero was pleading for Plancius; so that the inhabitants of these, and other cities, must have continued to send their representatives to the Ferentine Grove after their incorporation, as tribesmen, with the Roman State; other cities replacing them in the Thirty, as long as the Latin confederacy was in existence.[1] At the commencement of the historical period, therefore, Rome would appear to have been, in reality, a leading city, if not the capital, of the Latin confederacy, each of her tribes (or Gentes) being supposed to participate, as a separate community (though not of necessity separately represented), in the celebration of the *Feriæ Latinæ*, whilst the Patrician Century, or ruling element in the Roman tribe, answered in some respects to the Senate, or ruling Hundred of the Latin city. Thus the Latin people represented the original Roman *Socii*, holding the position occupied, a little later, by the Latin colonists, or Romans who displaced the "ruling element" in Latium; most of the Latins, in the more immediate neighbourhood of Rome, gradually exchanging the character of allies for that of Plebeians, by incorporation with the tribes, as in the case of the Tusculani, Gabii, and others. Hence, when Pliny writes that within the limited area of Latium fifty-three communities of Latin race had altogether disappeared without leaving a trace behind them, it may be supposed that their real representatives, whose more immediate ancestors had long been enrolled amongst the Roman tribes, ignored their Latin ancestry and boasted a genuine Roman origin. Scaptia, for instance, is one of the cities thus alluded to by Pliny, and as it bequeathed its name to the Scaptian tribe, it may be presumed that the members of the tribe in question prided themselves, in later days, upon their Roman origin; and thus the original population, in default of acknowledged descendants, was supposed, like the Picts of Scotland, to have died away and disappeared altogether. Many of the Plebeian Gentes, composing the bulk of the Roman aristocracy towards the close of the Republican era, seem to have been fond of tracing their descent, in a similar manner, from some legendary character in the prehistoric period; much as, at the present day, a Norman ancestry is not unfrequently claimed by English families, whose earliest "historical" progenitors make their first appearance in the course of the sixteenth or seventeenth centuries—occasionally even later.

A certain difference is observable between the seventeen earlier rural tribes and the fourteen that were subsequently added. The majority of the former would appear, from their names, to have been in some way connected with the original Patrician Gentes; but, with one exception—the Publilian—the names of the later tribes are unmistakeably local. The earlier rural tribes, again, appear to have been necessarily connected with a Patrician element, and upon the formation of the seventeenth tribe, the Claudii, representing the aristocratic element in the tribe, were

[1] "Labicana, aut Gabina, aut Bovillana vicinitas . . . quibus e municipiis vix jam qui carnem Latinis petant, reperiuntur."—Cic. *pro Plancio*, viii.

enrolled amongst the Patricians. But as soon as the tribes began to be designated by local names, their aristocratic element, wherever it existed, remained in the ranks of the Plebeians, unlike the Claudii, excluded from every privilege until the time of Licinius. It was apparently for this reason that the Roman Gentes seem to have been distinguished as *Majores* and *Minores;* and as Plebeians, after the legislation of Licinius, sat as Senators in the Curia Hostilia, so they sat as Curiones in the Comitia Curiata. The Plebeians are supposed to have at length obtained "the privilege" of filling the office of Curio Maximus; but as the Curio Maximus was elected by *cooptatio*, or chosen (like the Speaker of the House of Commons) by his colleagues, and not in virtue of any law, or through any influence or agitation from without, the election of a Plebeian to the office was only the inevitable consequence of the existence of a majority of Plebeian Curiones. In other words, as the Patrician Gentes died out, their places were filled in the Curiæ by Plebeian Gentes; and as soon as the latter nominated the majority of the Curiones, they could secure the election of any candidate for the office of Curio Maximus whom they chose to support. It flattered the vanity of the Roman aristocracy to trace the Majores Gentes from the Ramnenses and Titienses, the Minores from the Luceres, the three traditional tribes of early Rome; but it need scarcely be added that a pedigree of this description is mythical rather than historical. It is far more probable that as soon as the Curiæ were thrown open through the admission of the Plebeians to participate in the privileges of the Patricians, the Gentes were naturally divided into Majores and Minores; the former comparatively few in number and representing the old local aristocracy of Rome, the latter continually increasing in number and representing the newly-admitted Plebeians. Every free-born Roman of a certain class under the Republic necessarily belonged, in his private capacity, to a Gens, or was in some way connected with it; just as, in his public capacity, he was necessarily enrolled in a tribe. The property of a family, for instance, failing heirs, lapsed, not to the State as in modern times, but to the Gens, which seems to have stood in the place of the State in all things connected with the tie of family or blood. Rome, as soon as she acquired independence, became a confederation of Gentes, before she grew into a confederation of Tribes, and much of their original authority continued to be retained by the Gentes over the Quirite, in his private and individual capacity. The rights of the Gens were set aside by the adoption of an heir, and accordingly an heir could not be adopted without appealing to the court of the Gentes; and the Leges Curiatæ, or the decisions of this court, continued to be binding over the whole Roman people, in everything over which the jurisdiction of the court extended. Hence the Plebeians, as soon as their existence upon a similar footing with the Patricians was acknowledged, must necessarily have been represented by Curiones in the Concilia Curiata, their representatives being probably known as "Curiones Minorum Gentium." But as the old local aristo-

cracy of Rome died out—and the number of the Patrician, or Majores Gentes, was necessarily limited—their Curiones would have been replaced from time to time by the Curiones of Plebeian Gentes, which would thus have risen out of the ranks of the Minores into the position of the Majores Gentes. The Fulvii, Porcii, and Mamilii, for instance, as members of the Papirian tribe, were probably represented originally in the Comitia Curiata by the Curio of the Papirian, a Patrician or Major Gens; but after the extinction of the Patrician element of the Gens in question, some other Gens must have been chosen to supply a Curio for the Comitia, and thus apparently, if Plebeian, would have risen to the position of a Major Gens.[1]

As soon as a Plebeian Gens was enrolled amongst the Majores, it is only natural to suppose that its members would occasionally endeavour to obliterate the recollection of their true descent, and seek to identify their ancestors with the Patrician aristocracy of early Rome. Hence the majority of the leading characters in the legendary period can generally be connected with historical Plebeian Gentes; and Junii, Marcii, Hostilii, Sempronii, and Lucretii make their appearance as shadowy unrealities in early Roman history, at a time when the actual ancestors of their supposed descendants were probably in no way connected with Rome, except perhaps as allies. Hence arose the fiction of "passing over to the Plebeians," by which a leading Plebeian aristocrat could put in a claim for his ancestors, as patriots, and of pure Patrician descent, at the same time. The Octavii, for instance, claimed, according to Suetonius, to have been enrolled amongst the Roman Gentes by Tarquinius Priscus, and numbered amongst the Patricians by Servius Tullius. Then they "passed over to the Plebeians," and were unheard of until, in the generation before the Second Punic War, and after the supposed lapse of about three hundred years, Cneius Octavius Rufus of Velitræ, the Novus homo of the elder branch, by holding office under the State, was enabled to bequeath the first *Imago* to his posterity. As one of the wealthiest families of Rome, and leading aristocrats during the declining years of the Republic, the Octavii were naturally desirous of establishing their claim to ancient Patrician descent, and the account of Suetonius discloses the manner in which such a pedigree was fabricated. The real progenitors of the Octavii would have probably been found amongst the second colony of Roman Plebeians established, as a small local aristocracy, at Velitræ, and their Patrician ancestors in the reigns of Tarquinius and Servius were myths; but the earlier, or legendary, portion of Roman history abounds with similar characters, the mythical Patrician ancestors of historical Plebeian Gentes.

Licinius, according to Varro, was "the first who brought the people out of the Comitium to receive the law in the Seven Acres of the Forum"[2]—*Septem jugera forensia*—an open space around the Comi-

[1] *Vide* Note C.

[2] "C. Licinius, tribunus plebis, cum esset post reges exactos anni cccIxv., primus populum

tium, probably, in the days of Licinius, though subsequently covered over with buildings, the Comitium answering to the enclosure around the Curia Hostilia, or Senate-house of ancient Rome. Before this time, as long as the Patrician Gentes were omnipotent, every law would probably have been passed in accordance with the usage still followed, in a much later era, in promulgating the Leges Curiatæ. The *Rogatio* would have been put to a small body of aristocrats within the closed doors of the Curia Hostilia, and the result arrived at would have been proclaimed, as law, to the people assembled in the Comitium, without in any way consulting their opinion upon the subject. The nearest approach to a popular assembly was, at this time, presented by the Comitia Centuriata; but they were held at a distance from the Forum, and without the city walls, in the Campus Martius; the Census and the Legion, not the Law, were the subjects regulated in them; and the system of voting followed by the Romans must have placed the control of these Comitia very much in the hands of the Patricians. The Roman voted with his fellows in his Tribe, his Century, or his Decury, the suffrage in both the more popular assemblies being given by centuries, when the *Prærogativa*, or first century to give a vote, was chosen by lot (at any rate in the later days of the Republic), and usually expressed the opinion of the rest. The regulation of the centuries was, up to a certain point, in the power of the Censors, and by skilful management, which, in later times, often degenerated into bribery, more or less open, a majority could be occasionally secured. Appius Claudius managed to obtain a majority of this description by a skilful distribution of the sons of Libertini amongst the tribes; and Cicero, in his oration for Cneius Plancius, discloses the state of some of the tribes in his own days. The citizens of Tusculum, of all municipalities the most renowned for the number of her consular families were few, but of high standing—"spendidissimi homines, sed pauci;" the neighbourhood of Labicum, Gabii, and Bovillæ, could scarcely supply a representative to take a part in the Feriæ Latinæ; but the more distant Terentine tribe was numerically strong. Every citizen who was not of senatorial rank could vote in the assembly of the tribes, for Cicero enumerates "tot equites, tot tribuni ærarii" amongst the supporters of his friend Plancius, and the older, or "suburban," tribes were evidently represented for the most part, in the age of Cicero, by a few wealthy proprietors. A very few votes would have thus expressed the verdict of the majority in most of the suburban centuries, counting for as much as the far more numerous votes of a populous neighbourhood. A similar influence would have been secured by the local aristocracy of Rome, in earlier days, through the suffrages of their clients, who, though not enrolled in the tribes, served in the ranks of the legions. The military

ad leges accipiundas in septem jugera forensia e comito eduxit"—Varro, *R. R.* 1, 2. In this passage (in which *comito* is surely an error for *comitio*), the "most learned of the Romans" seems to have identified the year of the expulsion of the kings with the date of the foundation of Rome.

tribunes still continued to select men for the legions in the days of Polybius, and, as in earlier times, the military tribunes were appointed exclusively from the Patricians, by a judicious distribution of clients in the centuries, a majority of votes could have been generally secured for the Assembly of the centuries. This assembly was invariably held in the Campus Martius, for the reason (nominally) that it would have been sacrilege (*nefas*) for an armed force to hold rule (*imperare*) within the limits of the Pomœrium.[1] It was sacrilege, indeed, for one of the greater Flamens even to look upon an armed force from the Pomœrium, such was the care with which the local aristocracy of Rome guarded against the intrusion of an armed soldiery upon the sacred limits of their stronghold. The armed force in the days of Aulus Gellius was represented by the army keeping order while "the people" voted; but when the army and the people were identical the Comitia Centuriata represented the Assembly of the people bearing arms, or the Quirites chosen for the legions. As the Roman territory was enlarged, and the legions were increased in numbers and in strength, the great influx of tribesmen into the centuries must have gradually turned the scale in favour of the landholders, or *Adsidui*, of the tribes, who were thus enabled to make their voices heard in the Assembly of the Centuries. Thus the right of property to be represented in the State, irrespective of local birth—the principle of classification—seems to have been first asserted in that Assembly in which the property of the Adsidui was assessed by the Censors; but the Campus Martius was at a distance from the Comitium, and laws continued to be enacted within the closed doors of the Curia Hostilia, until, by "bringing the people out of the Comitium into the Seven Acres of the Forum," Licinius enabled the Adsidui of the tribes to have a voice in the enactment of the laws by which they were to be bound. Before the lapse of another generation the work of Licinius was completed by Publius, and the decisions of the tribes assembled in the Seven Acres of the Forum were pronounced binding, as *Plebiscita*, upon every member of the Commonwealth.

By putting an end to the system of unlimited occupation of the Public land, Licinius must have dealt a fatal blow to the earlier system of clientage, for the client of that age was apparently a sub-occupier of public land under his Patronus. Before the legislation of Licinius, the wealth and importance of the Patrician was derived from occupying wide tracts of public land, and as he was a *Locuples*, or wealthy landholder, as a Possessor, and not as a Proprietor with *dominium*, in no other way could he have provided for a numerous body of kinsmen and clients than by quartering them, as tenants-at-will (*precarii*), upon the lands he held as a "beneficiary" occupier. "Is every member of three hundred citizens to enjoy the possession of land, and the portion of the Plebeian to be barely enough to build a roof upon, or a place of sepulture?"[2] Such

[1] Aul. Gell. xv. 27.

[2] "Ut singuli prope trecentorum civium possiderent agros, plebeii homines vix ad tectum

is the complaint that Livy places in the mouth of an angry Plebeian during the Licinian agitation, and, with due allowance for the unreality of all such speeches, it shows that, in the opinion of the historian, only the *Patres*, or heads of families of senatorial rank, could at that time claim to occupy the public land, and their children, kinsmen, and clients, must have been dependent upon the *Patronus* for support. Accordingly, as soon as the amount in individual occupation was limited, the senatorial Patronus must have been deprived of the means by which he had been accustomed to maintain a numerous body of dependants at the public expense, and the doom of the early system of clientage was pronounced by the regulations of Licinius. The *Ager Occupatorius*, or Public land of Rome, was conquered land, and known from the earliest times as *Ager Arcifinius*, or *Arcifinalis*—as land held by the sword, whether the name is interpreted to mean "keeping off the enemy," or "defending the marches." It was therefore held by military service, and, as long as the local Gentes were supreme, this service would have been rendered, principally, by the actual sub-occupiers of the land, the kinsmen and clients of the Patronus who held of the State; for as the clients served in the legions, and voted in the Comitia Centuriata, they must have been reckoned amongst the Adsidui, or landholders of the age. In course of time, the name of *Decumanus* began to be applied to the Ager Occupatorius, from the custom of paying the tenths (*decumæ*) to the State, in lieu of military service, towards defraying the expenses of the army; and thus an annual money-payment was substituted for the earlier custom of filling the legions with clients. After the disappearance of the clients from the Public land, the ranks of the legions, as long as they continued to be recruited exclusively from the Adsidui, were filled by members of the tribes, proprietors of allotted land, or "ager viritim divisus," and voters in the Comitia Tributa. The exclusive privileges of the local aristocracy were at an end, and from this time forward the Patricians, as a separate class, may be said, in their public capacity, to have become extinct,—representing merely the leading members of the Roman aristocracy, distinguished for their brilliant descent.

The ordinary landed property of a member of a Roman tribe was known as a *Hæredium*, according to Varro, because (unlike an "occupation") it passed to the heir, who was necessarily a male descendant, or the nearest "agnate." Daughters could have had no claim upon the Hæredium, for, after the deaths of Caius Fabricius and Curius Dentatus, who both in turn declined accepting more than the *Septem jugera* of conquered land representing the legionary's allotment in their days, the State undertook, in both cases, to provide for their daughters, who would otherwise, apparently, have been left without any provision at all. Evidently the daughters of these distinguished citizens had no claim upon

necessarium, aut locum sepulturæ, suus pateret ager."—Liv. vi. 36. It seems clear, from this passage, that the *Bina jugera* represented the locality for the homestead and farm-buildings,—not the farm, as is sometimes supposed.

the Septem jugera. In every other respect, however, the Hæredium seems to have been held with absolute *dominium*, or by Quiritarian ownership, and was probably the earliest form of individual private property in land acknowledged by the Romans. It could be sold at the option of the actual holder; for it was one of the projects of Tiberius Gracchus to prevent such sales by a special law (a dream that the lapse of twenty centuries has not entirely dispelled); and a son could have had no claim upon it in his father's lifetime, for his only property was known as *peculium*, and held as that of a slave, by the sole permission of the father or patron. Only if it remained unsold at the death of the proprietor, the Hæredium passed, by invariable custom, to the *Hæres*, whoever he may have been; and failing natural or adopted heirs, it must have lapsed, as private property, to the Gens or Tribe. The extent of the Hæredium was limited to the familiar *Bina jugera* down to "the Punic War," according to Varro, the normal amount assigned from the time of Romulus, writes the same authority; though, if Livy may be trusted, the amount, at the time of the original establishment of Latin colonies, was slightly increased, on account of the distance of the new colonists from Rome.[1] If any inference may be drawn from the description of Cincinnatus "laying aside the Fasces, and returning to his bullocks and his little patrimony of four acres—quatuor jugerum avitum herediolum,"[2] the Patrician doubled in size the ordinary Hæredium, which was subsequently increased, however, in certain cases, to *Septem jugera;* though the military colonist, the representative of a lower social class than the legionary of earlier days, was obliged to be contented with the original amount of Bina jugera. The Hæredium, "vix ad tectum necessarium, aut locum sepulturæ," was the homestead, and could not have included the farm or property attached to it. "The Villa is a collection of buildings, just as the Cohort is a collection of maniples," wrote Varro; and, in the sense of Villa, *Hortus* was always used in the code of the Twelve Tables, Pliny adding "et in horto hæredium,"[3] meaning that the right of ownership lay in the homestead, in the house and garden, and not in the arable or pasture land; or, as it would have been said in Germany six hundred years ago, in the *Toft*, and not in the *Haker*. The Hæredium, however, can only have represented the amount of property in land passing to the heir, not the amount in the occupation of the Adsiduus. The very fines levied under the old Roman law, varying from one ox to thirty, could never have been exacted from a man whose house, farm, and farm-buildings were all contained within the limits of five statute roods! "Locupletos assiduos . . . . eos qui non plus mille quingentum æris, aut omnino in suum censum nihil præter caput attu-

[1] "Antiquus noster ante bellum Punicum pendebat bina jugera, quod a Romulo primum divisa dicebantur viritim; quæ, quod hæredem sequerentur, hæredium appellarunt."—Varro, *R. R.* i. 10. "Bina in Latino jugera, ita ut dodrantem ex Privernati complerent, data; terna in Falerno, quadrantibus etiam pro longitate adjectis."—Liv. viii. 11.

[2] Columella, *R. R. Præf.* 13. Livy, iii. 26, gives the same amount.

[3] Plin. *H. N.* xix. 19.

lissent, proletarios nominavit." Thus wrote Cicero, and as the sum of fifteen hundred *Asses librales* would have once represented the value of fifteen oxen, the poorest member of the Adsidui must have occupied enough of the Ager Compascuus to provide pasturage for at least that number of cattle.

The Roman in early times was a grazier, or stock-farmer, rather than an agriculturist; and in this respect he formed no exception to the rule observable amongst most people in a certain early stage of society. Italy was not a corn-producing country on a great scale, and the artificial means adopted for keeping down the price of corn at Rome, in the later days of the Republic, could not have tended to encourage the growth of cereal crops on private property. Stock-farming was a more profitable pursuit than tillage, in the opinion of Cato, who reckons vineyards, gardens, osier-beds, and pasturage, above corn-land (*campus frumentarius*), estimating the latter, apparently, as the lowest description of "cleared land;" for he only places it immediately above woodland. But Italy was renowned in ancient times for the number of her cattle, as she still is for their beauty; and indeed she is sometimes supposed to have derived her name from her herds. Her vines, her olives, her fruit-trees—so numerous as to give her the appearance of a vast orchard—are extolled by Varro, whose friends, however, with whom he is supposed to discuss various questions in his treatise on Agriculture, were all in favour of stock-farming. The best of all land, according to one of them, "is a good meadow, in which the goad is lost in the long grass, if you drop it." Varro himself, one of the earliest advocates of tillage, lays down the rule, that "no beasts are allowable on a tillage-farm except they are used in the plough;" upon which another friend replies, "You would not only take his cattle from the lord, but you would deprive the serf of the little property his master gives him to feed (adimis . . . servis *peculium*, quibus dant domini ut pascant),"—a remarkable allusion to the only manner in which a member of the dependent classes, from the son to the serf, could acquire property under the Pater-familias, or Patronus, by the tenure originally in force amongst the Romans.[1] Accordingly the Hide of arable land, and its equivalents, may be looked for in vain amongst the tribesmen and colonists under the early Roman system, in which allotted land and common pasturage are alone traceable. The origin of the word *stipendium* is derived by Varro from the custom of packing up, or storing away, the heavy libral *Asses* of the early monetary system; and, before the introduction of *æs signatum*, when the stock in which fines were levied, and in which the fortune of the Roman would have been assessed, represented the ordinary medium of valuation and exchange, the only way of storing up the money of the period (*pecunia*), or of amassing personal property, was in increasing the extent of pasturage. Corn-land would have been useless without a market, and the

[1] Varro, *R. R.* 1, 2. Compare this tenure with the *Aicillne*, or customary tenure of the Irish *Daer Ceili*, noticed above at pp. 157, 158.

small amount required for supplying the wants of the family from year to year, would not have been set apart and separated permanently like the Hæredium. The Roman tribesman was not a *Haistaldus*, or Hagerman, with a separate property, but he would have probably followed the early custom retained in the regulations of the "Lammas fields" in England, his arable resuming the character of common pasturage as soon as the crops were off the ground. It may be gathered from the Third oration of Cicero against Verres, that in Sicily, an island numbered for many generations amongst the granaries of Rome, the land was left from the first in the hands of the original population, and was only liable to the *Censoria locatio*, or to be let with the usual obligations attaching to Public land. It is to the Public land, therefore, that we must look for the tillage farms raising large quantities of corn for sale, and with the Public land, and the regulations of the tillage farms on the Public land, the ordinary member of the Roman tribe and colony had nothing to do, whilst the member of the classes entitled to the privileges of occupation would have left all such questions in the hands of his deputy or land-steward.[1]

Individual private property in land, with absolute and complete ownership (*dominium*), would appear, therefore, to have been at first limited to the Hæredium, whilst the Ager compascuus was held in joint-occupancy. The name of Ager compascuus, though unquestionably derived from the early and universal custom of pasturage, may have been applied perhaps in course of time, in a general way, to all the "common" land that continued to be held in joint-occupancy, without any special reference to its original meaning. In England, we are now accustomed to give the name of "Common" to a tract of uncultivated waste land alone, but at a comparatively recent period the name, as opposed to "Close," still continued to be applied, in many parts of England, to fields, pastures, meadows, and indeed to every description of land held in joint-occupation, and not in "the lord's domain;" whilst the Common of modern days was known as "the Heath," or "the Waste." The very name of *domain* is derived from the Roman *dominium*, and the whole of the land that was not held with *dominium* by individual Quirites must have been necessarily vested in the State, or must have belonged to a community of some description, whether civic or sacerdotal, and

[1] It was still customary in parts of England, at a comparatively recent period, to keep a certain portion of common pasturage under plough, generally for two years, in the place of the usual practice of setting apart certain common, or unenclosed, fields for permanent tillage. After the lapse of the two years, the temporary arable reverted to its original character of pasturage, and another portion of "compascuus ager" was similarly treated. The custom was probably far more general in early days, representing pastoral as opposed to tillage custom, or the usage of a society more familiar with Cornage than with Hidage. Cornage always preceded Hidage, stock was levied before *Asses Vectigales*, and when *pecus* passed for *pecunia*, and fines were assessed in cattle and sheep, pastoral custom was in force rather than tillage custom. Hence, I imagine that the age in which the Quirite held his Bina jugera as Hæredium was more familiar with pastoral than with tillage custom, and was unacquainted with the equivalent of the Hide.

must have been held more or less upon the principle of joint occupation. Wherever this principle remains in force under its original conditions at the present day, or wherever its existence is traceable in early times, an ownership more or less limited in duration is (or was) created from time to time in certain portions of the land, each joint-tenant occupying his share, or shares, with rights of ownership, until a fresh distribution of the land. Varying custom regulated the recurrence of these distributions. In Russia, a period of from three to ten years is generally suffered to elapse between them at the present day, and in many parts of England the *Neatman* used to receive his allotted portions of common land annually, renewing his stipulations and agreements at the same time — a custom in which the annual distribution of very early times may be traced, and out of which arose the yearly tenancy-at-will of modern times, after the Neatmen (the *Geneats*, or *Sharers*, of the old English laws) were replaced by a tenantry who were free to "go where they willed." From the "Censoria locatio," or the system of letting the Public land by the Censors, it may be presumed that, in theory, the Public land of Rome was supposed to revert to the State on the conclusion of every *lustrum*, though in practice it probably remained in most cases in the same hands as before—the lease was renewed, as it were, by the Censors, as representatives of the State. The Censorship accordingly vanished upon the establishment of the Empire; for the principle vesting the property of the State in its sole and permanent representative, the Emperor, must have ignored the earlier system of "allocation," which was necessarily converted into an imperial prerogative. The allocation of the Public land every five years may be supposed, however, to have been merely a reflection of the ordinary practice of very early times amongst the Romans, by which they regulated the joint occupation of every description of Common land; for tribe land must have necessarily preceded conquered land, and for many a subsequent generation was often closely connected with it, a portion of land being made over to the tribe at the time of its original incorporation with the Roman Commonwealth, whilst the remainder lapsed as Public land to the State. Joint-occupancy would have been the principle of the tenure by which the whole of the Common land was held, whether it belonged to the State, the colony, or the tribe. Custom, and probably varying custom, would have dictated the regulations under which the land was actually held; and many of these customs seem to have been collected into a written form, under the name of *Leges Coloniæ*.[1]

As the Hæredium was saleable, a certain amount of private property may be supposed to have been acquired in course of time by the wealthier classes through the purchase of hæredia. It may be seen from the oration of Cicero for Plancius that the suburban districts and the "neighbourhoods" of Labicum, Gabii, and Bovillæ were scantily supplied with

[1] "Atque etiam leges colonicas tollis, in quibus scribimus Colonus in agro surculario ne capra natum pascat."—Varro, *R. R.* 1, 2.

voters, as the land, for which the privilege of voting was derived, was evidently in the hands of a few wealthy proprietors. The tribe-land, in early times, was probably divided into local districts corresponding with the Centuries of the tribe, which again may have been subdivided into smaller districts answering to Decuries; and Roman custom would have differed from that of nearly every other people with whose early history we are acquainted, if the joint-occupation and distribution of the common-land were not confined within the limits of these narrower areas. Hence the purchase of a certain number of hæredia (probably of ten or twelve) would have centred the rights of all the earlier proprietors, whether individual or joint rights, in the purchaser, who would have held the whole of the little district, answering to a township of mediæval England, in Quiritarian ownership with *dominium*, or as an absolute property to cultivate in any manner he pleased. The law that Tiberius Gracchus intended to introduce against the sale of hæredia, and his lamentations over the substitution of slaves for freeholders who fought in the legions, point to the actual occurrence of such purchases of tribe-land; for the private farm of the Roman seems to have been cultivated exclusively by slave labour. But though Tribe-land was purchaseable, and the earliest description of bequeathable property in land may be supposed to have been acquired in this manner, Public land was supposed originally to be the inalienable property of the State, only to be enjoyed in occupation by the Patroni amongst the privileged classes, by whom, in other words, it was held in joint occupation, much as the tribe-land was jointly held by members of the tribes. Hence the *peculium* that a dependant was allowed to accumulate with the permission of his Patronus, became *peculation* if acquired at the expense of the State, from which no such permission was presumed to be attainable. Temple-land, or Ager sacer—the *Temenos* of Greece, or portion of land "cut off" and set apart for the service of a god or goddess—was similarly inalienable, and supposed to be vested in the deity to whom it was consecrated, whose priests appear to have often answered to a class of privileged families, enjoying the occupation of the land. Xenophon, when he dedicated a piece of land at Scillus to Artemis, reserved the "occupation" of the land for himself or his representatives, devoting the annual "tenths" to the service of the deity in whom he thus vested the ownership of the property; and he may be supposed to have followed the custom usually pursued on the occasion of similar gifts, a custom either perpetuated or reproduced with very similar features in early Christian times.[1] The exigencies of the great struggle against Hannibal, by leaving the Roman State involved in debt, would appear to have led to the earliest known infraction of the principle of the inalienability of Public land, though the land in question was mortgaged rather than alienated in perpetuity. The whole of the Public land within fifty miles of Rome was made over

[1] *Anab.* v. 3. Τὸν δὲ ἐχόντα καὶ καρπούμενον, τὴν μὲν δέκατην καταθυεῖν ἑκάστου ετοὺς, ἐκ δὲ τοῦ περιττοῦ τὸν ναὸν ἐπισκευαζεῖν.

to the creditors of the State, but, in order to retain for it the character of Public land, the Consuls were directed to follow the usual custom of assessing its value, that the ordinary tax, or "tenths," might be imposed upon the holders—"agrum æstimaturos, et in jugera asses vectigales, testandi causa publicum agrum esse, imposituros." Thus the "Trientius Tabulariusque ager" was, in theory, only alienated for a time, or mortgaged until the State could repay to the creditors in full the money they had advanced.[1]

The inalienability of Public land by sale was still a principle of Roman law in the age of the Gracchi, and, indeed, it is difficult to understand how a sale conveying ownership in perpetuity could have been carried out by magistrates whose term of office was supposed to be brought to a close every five years, and whose work was always liable to be undone by their successors. The very name of *prædium*, applied to property in land, is supposed to have been derived from the *Præs* or *surety* for the holder—from the man or men who gave security for the occupier of Public land upon its allocation by the Censors; and a similar principle was subsequently followed in letting the public revenues to the Publicani. The example set by Licinius, of evading his own regulations, seems to have been very soon followed, for it was not so much the object of the party he represented to limit the senatorial privileges as to share in them; and as soon as this object was obtained the law seems to have been evaded with impunity. A contest still went on, more or less, as before, but as time wore on the contest lay between the Senatorial order and the First class, rather than between Patrician and Plebeian, for the members of the First class were for ever struggling to gain admission amongst the privileged order, adopting the senatorial policy of exclusiveness as soon as they were successful. Octavius, Pompeius, Opimius, Mucius Scævola, and Papirius Carbo—such are the names of some of the foremost men in the time of the Gracchi, and not one of them could have produced an *Imago* older than the close of the Second Punic War. Fulvius, Junius, Livius, and Popillius, like the Sempronii, were members of the old Plebeian aristocracy, but Scipio Æmilianus appears as the sole representative of a Patrician Gens. Accordingly, when the elder Gracchus first took in hand his reforms, he found the Public land of Italy in the possession of a multitude of occupiers, many of whom would appear to have held their possessions, through the connivance of successive Censors, by an almost hereditary right of occupation from father to son during several generations. The regulations of Licinius had evidently been evaded, but not so much, apparently, in the amount of land held by individuals, as in the number and character of the occupiers. The Patronus of a senatorial family—one of the privileged *Trecenti* of the passage elsewhere quoted from Livy—was alone entitled to occupy Public land by the ancient custom of Rome; but as the enforcement of this ancient custom by Tiberius reduced a number of families to destitution, in spite

[1] Liv. xxxi. 13.

of his allowing a double portion of land (or a thousand jugera) to be held in occupation between a Patronus and his sons, it may be presumed that the Public land had long been allowed to be occupied by the junior branches, or cadets, of senatorial families, and that it was upon this class that the revival of the earlier custom pressed with peculiar hardship. Sylla, a needy cadet of the illustrious Cornelian Gens, and Clodius, whose father left him nothing, were "results" of the Sempronian legislation in the succeeding generation. In a later stage of society, after the principle of *Emphyteusis* was acknowledged, long-continued occupation of land without challenge would have conferred a title of ownership, and Cicero seems to have been in favour of such a principle.[1] But the Roman custom of the age ignored its existence, the occupiers were replaced by a class of small farmers with inalienable allotments—*fee-farmers* they would have been called in mediæval England—and the Consul Popillius, who carried out the measure after the death of Tiberius Gracchus, claimed the credit of being the first to plant tillage-farmers, in the place of herdsmen, upon the Public land.

It is impossible to defend the narrow oligarchy that monopolized the government of Rome at this period, and in personal character the Gracchi were undoubtedly superior to the majority of their contemporaries; but it cannot be denied that some of their measures were ill-judged, and followed by consequences upon which they could have hardly calculated. No principle can be worse than that on which the Equestrian order was founded by Caius Gracchus, as a separate estate in the commonwealth, with definite rank and privileges. Neither illustrious deeds nor an honourable career in the service of the State gave admission to the order, but the qualification was acquired by the possession of wealth alone, and lost by the want of it. Every objection that can be raised against an aristocracy of birth, except when it degenerates into a narrow caste, applies with equal force to an aristocracy of wealth, whilst there are vices inherent in the latter from which the former is comparatively free. "Si quadringentis sex septem millia desunt, Plebs eris"—for the want of a few *sestercia* the Eques lost his position and his privileges, so that the accumulation of wealth became the very principle of his existence. No scheme more provocative of avarice and extortion could have been invented, and many of the evil doings of Roman Magistrates, of whom Verres may be cited as an instance, may be traced to a desire to obtain admission into the Equestrian order, or to retain a position in it for themselves and their descendants. The means, again, adopted by Caius Gracchus to obtain his election to the magistracy that was to enable him to carry through his projects of reform, were fruitful of evil in after times. When Quintus Fabius, in order to eliminate the *fœx* from the rural districts, called the urban tribes into existence, he laid the foundation of a change that he little contemplated. As the

[1] "Quam autem habet æquitatem, ut agrum, multis annis aut etiam seculis ante possessum, qui nullum habeat, habet; qui autem habuit, amittat."—Cic. *Off.* ii. 22.

number of the rural tribesmen diminished, and the suburban districts began to be represented by a few wealthy proprietors, the urban element that had been admitted to the privileges of the franchise naturally increased in importance, especially after the wide extension of the suffrage by lowering the qualification of the Fifth class to a third of its original amount. The rude and early method of controlling a Proletariat by the simple policy of repression, is necessarily replaced, in course of time, by a mixture of real or apparent concession, by secret corruption, or by open bribery, as the dangerous class grows formidable from increasing numbers. This second stage had long been reached at Rome, but to Caius Gracchus may be attributed the institution of a system of legalized corruption, more dangerous, perhaps, than unauthorized bribery. It was at his bidding that the Sempronian granaries arose, in which was stored the corn to be distributed at half-price, from month to month, to every needy citizen of Rome who chose to apply for it at the Capitol. The land within fifty miles of the city had long been in the hands of wealthy capitalists; and as no one living beyond this distance would have thought it worth his while to pay a monthly visit to Rome for the sake of obtaining a bushel or two of corn at half-price, the dole was practically limited to the needy members of the urban tribes, and the proletariat whose voices were to be purchased by its distribution. "Bread, and the games of the Circus," such was the cry in a later age of the representatives of the first recipients of the dole, and it may be traced to the policy of Caius Gracchus.

The inalienable fee-farms of Tiberius Gracchus were destined to enjoy a very brief existence. They were soon converted into properties held with ownership, for the principle on which they were created was unacceptable to the class for whom they were called into existence, and we lose sight of them; but the results of his measures against the occupiers of Public land were far more important and enduring. The earlier custom of occupation was abandoned by the governing classes, and by substituting for it a system of allocating the public revenues amongst wealthy capitalists, who thus acquired the name of *Publicani*, the revived legislation of Licinius was practically evaded; for the regulation introduced by Tiberius against occupying more than a thousand jugera was powerless against the practice of farming the revenues. Companies were formed, of which the members were joint securities for each other to the State, and the amount of property thus acquired must have often been sufficient to enrol its possessor in the ranks of the Equestrian order —a result of their legislation that was scarcely anticipated by the Gracchi. From this time forward the Public land was either leased out in small tillage farms, or left in permanent common pasture,—individual right, in the latter case, being limited to the privilege of depasturing ten larger, or fifty lesser stock, a *tenth* of the amount allowed by Licinius. With the novel regulation about pasturage, it seems allowable to connect the *Ager Quæstorius*, or Public land, sold in blocks of fifty jugera, a

tenth of the amount allowed to be held in occupation by the earlier custom. The Quæstores Classici were officials of the Senate, and the land thus disposed of by them in blocks of fifty jugera, whether leased or sold, with the corresponding privilege of pasturage, would appear to have been held by a title from the governing body of the State—by a Parliamentary title, to use the language of modern times—in contradistinction to the revocable allocation of the Censors; so that the holders, whether as lessees or owners, were secured against suffering from a repetition of the Sempronian confiscation. Henceforth the actual tenants of the Ager Occupatorius represented a totally different class from the aristocratic occupiers of an earlier period, and their holdings and privileges of pasturage seem to have been limited with the especial purpose of retaining them in the position of dependent cultivators of the soil; for a class of small farmers, incapable of holding above a certain amount of land, must always necessarily remain in a dependent position. It would be difficult, if not impossible, with our present knowledge of the subject, to fix the exact date at which these blocks of Public land began to be sold or alienated in perpetuity, in place of being leased out, or alienated only for a time. The name of Ager Quæstorius is first applied by Hyginus, Siculus Flaccus, and other writers of the imperial era, to the Public land sold in this manner by the Quæstores Classici, a proceeding that would not have been recognised in the time of the Gracchi, when the Ager Occupatorius was inalienable, and an allocation of it by the Censors was always liable to be revoked by their successors. At some uncertain time between these two periods the sale or alienation in perpetuity of Public land, by the authority of the State, seems to have grown into a recognised principle of Roman law; a change that may be traced, apparently, to the Sempronian confiscation, and to the alteration in the management of the Public land introduced after that period.[1]

The extension of the franchise to the Latins and Italians, the Civil Wars, the various Dictatorships and Triumvirates, bring down the history of Rome to the establishment of the Empire, and during all this time the original governing body of the State was more or less supplanted, until it was replaced by the sole representative of the State. The earlier principle of the Roman patriciate was destroyed by the Lex Cassia, enabling Cæsar to raise whom he chose to the ranks of the Patricians,

[1] "Quæstorii autem dicuntur agri quos populus Romanus, devictis pulsisque hostibus possedit, mandavitque quæstoribus ut eos venderent. Quæ centuriæ nunc appellantur, id est plinthides, hoc est laterculi, eosdem in quinquagenis jugeribus quadratos cluserunt limitibus, atque ita certum cuique modum vendiderunt."—Hyginus. "Quæstorii dicuntur agri quos ex hoste captos P. R. per quæstores vendidit. Hi autem limitibus institutis laterculis quinquagenum jugerum effectis venierunt. Quem modum decem actus in quadratum per limites demensi efficiunt; unde etiam limites decumani sunt dicti."—Sic. Flac. "Curium Sabinorum ager per quæstores est venumdatus, et quibusdam laterculis quinquagena jugera inclusus est, postea vero Juli Cæsaris per centurias et limites est demetitus."—*Lib. Colon.* i.; *vide Gromatici Veteres* (Lachman), t. i. pp. 115, 152, 253. Thus, if these writers of a comparatively late era may be trusted, the sale of land by the Quæstors, which seems to have grown out of the important changes developed in the time of the Gracchi, ceased with the rise of Imperialism.

thus establishing the germ of the modern principle of nobility. When Gaius wrote, Quiritarian or full ownership of land with *dominium*, could be obtained over private property by the unchallenged exercise of all the rights of ownership during the space of two years, and it mattered not at that time by what description the land may have originally been known. Land and Roman citizenship could be acquired with ease, but the Public land remained in the occupation of a dependent class. Gradually the name of Agri Vectigales began to be applied to all land of which the ownership was vested, or supposed to be vested, in a community of some description instead of an individual, thus embracing the landed property of all civic and sacerdotal corporations, as well as the property of the State, and the tenants of the Agri Vectigales belonged to the class above alluded to. A qualified right of ownership, or a right of property not amounting to *dominium*, seems to have grown up in, or extended to, the Agri Vectigales, arising probably at first out of lengthened occupation, and the *Prædia Emphyteutica* began to make their appearance in the imperial codes, as properties upon which the *colonus* was "planted in." As long as he performed the obligations required of him, the *Emphyteuta* was irremoveable, a failure on this point alone entailing the forfeiture of his property, over which he exercised all the rights of proprietorship, except where special limitations existed. He could sell the land, or rather his tenant-right in the land, after first offering it to the actual owner, who, if he declined to resume the property, received a fine in proportion to the actual value of the land from the incoming tenant. But the purchaser was bound to prove his qualification for undertaking the responsibilities of the property; and if this was satisfactorily shown, all opposition on the part of the owner was useless. Such may be said, in general terms, to have been the principle of *Emphyteusis* applied to the Agri Vectigales; and in the course of the sixth century Justinian is supposed to have placed all the coloni upon the landed property of the State upon a similar footing.

NOTE A.

THE Spartan Mora numbered at one time 400 men, and was divided into four Lochi, eight Pentecostæ, and sixteen Enomotiæ, the Lochos representing a body of 100 men; but in a passage of Thucydides (vi. 68) the Lochos is described as containing four Pentecostæ and sixteen Enomotiæ, each of the latter numbering 32 men, so that the full complement of the Lochos at this time reached to 512. A change had evidently been introduced upon the earlier formation, and this change seems to have been followed in the Macedonian Phalanx. The lowest subdivision of the latter was the Lochia of 16 men, eight Lochiæ forming a Taxis and sixteen a Syntagma, to which were attached 5 supernumeraries. As the Lochia was the unit of the Syntagma, so the latter was the unit of the Phalanx, two forming a Pentecosiarchia of 512 men (the Lochos of Thucydides), four a Chiliarchia, and sixteen making up the Phalanx of 4096 men. The two best soldiers were placed on the flanks of the Lochia, so as to lead or bring up the rear in movements to the right or left; and the ordinary formation of the

Phalanx was in a column of sixteen deep, each Syntagma forming in a square. By diminishing the depth of each Syntagma to half a Lochia, the front of the column was increased to a Pentecosiarchia, and by doubling the depth of the Syntagmata the front of the column was diminished to a Taxis.

The Italians appear to have long preserved the older Greek formation, akin to the early Spartan Mora, for the Cohort amongst the Hernici and Samnites numbered 400 men, which also represented the ordinary strength of the Roman cohort in the time of Polybius. Eight of these cohorts amongst the Hernici are called by Livy "Extraordinarii," and the "Legio linteata" would appear to have stood out from the rest of the Samnite army, in a similar manner, as a chosen body of men. This Legio linteata is supposed to have been chosen by a special Ten named by the Samnite Imperator, and the men composing it were equipped in white tunics, with ornamented arms and crested helmets, their number amounting to forty cohorts, or sixteen thousand men. A similar number of men, less conspicuous for their arms and dress, seem to have been enrolled at the same time, and these eighty Samnite cohorts coincide exactly with the usual numbers of the two consular armies, annually enrolled by the Romans, in the days of Polybius from amongst the tribesmen and allies. "Crests make no wounds, the Roman pilum can pierce through painted and gilded shields, and white tunics are apt to show the stains of blood when weapons come into play."—Such are the words attributed by Livy to the consul, Papirius Cursor; but as sixteen thousand men were chosen in the time of Polybius by the military tribunes, in a very similar manner, as the crested helmet was worn by the Roman legionary in order to give him height and a fierce and martial appearance, and as the Roman legion stood out as a chosen body of men from amongst the Cohortes alarii, or allied troops, with whom it was invariably associated, the Samnite and Roman systems seem to have been very similar.[1]

The description left by Polybius of the constitution of the Roman legion in his own days is exceedingly clear. Three thousand spearmen were distributed amongst the three classes known as Hastati, Principes, and Triarii, in thirty Ordines or Maniples, the Maniple numbering a hundred and twenty spearmen amongst the two first classes, and sixty in the third, or reserve. A thousand light-armed Velites were added in a similar proportion, raising each of the twenty larger Maniples, by the addition of forty men, to a hundred and sixty, and increasing the lesser Maniple amongst the Triarii, by the addition of twenty men, to eighty. A Maniple from each of the three classes formed the Cohort, numbering four hundred men, ten cohorts thus constituting the ordinary legion of four thousand men. Two centurions, and two standard-bearers, belonged to each Maniple, which had only one banner, however, and was under the sole command of the senior centurion. The junior superintended the left wing of the Maniple, under the orders of his senior, and in the absence of the latter succeeded to the command. The legion on emergencies was increased to five thousand men, the additional thousand being distributed in the same manner as the Velites, though the actual number of the Triarii was never altered. Each of the larger Maniples would have been raised by the additional forty to a strength of two hundred; each of the smaller by the additional twenty to a hundred; and it is easy to see how the latter, and each of the wings of the former, as the ordinary strength of the legion began to be fixed at five thousand, assumed the name of *Centuries*, a name unfamiliar to Polybius, and only introducing confusion when applied to any of the known subdivisions of the legion in or before his time. Three hundred horsemen were attached to the legion, and divided into ten Turmæ, each commanded by a Decurion and his Optio, or Lieutenant. An ordinary Consular army, such as the Roman system of encampment provided for, consisted of two Roman legions, with six hundred horsemen, and about the same number of auxiliary infantry, or rather more, enrolled in a similar manner, and commanded by twelve Præfects, chosen by the Consuls, much as the military tribunes were once

[1] Liv. vii. 7; viii. 38-43. The descriptions of Livy are occasionally so "poetical" that it is difficult to decide whether the Romans actually abandoned the Latin for the Samnite formation, or whether the historian has not attributed certain features of the Roman system to the Samnites.

appointed at Rome. Three times the number of cavalry, or sixty Turmæ, were supplied by the allies, and it was amongst the first duties of the Præfects to select a third of the auxiliary cavalry, and a fifth of the infantry, the best of their respective services, to form, under the name of *Extraordinarii*, the body-guard of the Consul. Many of the youthful members of the wealthiest families of Rome also served in the ranks of this corps d'élite, as volunteers "out of compliment to the Consuls." The remaining auxiliaries were divided into two parts, known as the right and left wings, or Cohortes alarii, each respectively equalling the numbers of a Roman legion in infantry, doubling them in cavalry ; in other words, in each of the wings there would have been ten cohorts and twenty turmæ, the Extraordinarii numbering five cohorts and the same amount of cavalry, without counting the volunteers.[1]

The description left of an early Legion by Livy wears rather a doubtful appearance. The three classes of Polybius are distinguishable, two of them known as Antepilani, the third as Subsignani. The Antepilani were distributed in thirty Ordines, or Maniples, each numbering sixty-two men, including twenty lightly armed, with a centurion and standard-bearer. The Subsignani, divided into Accensi, Rorarii, and Triarii, were distributed in fifteen larger Ordines, each resembling a small cohort of three Maniples, and numbering a hundred and eighty-six men : so that the legion, at its full strength of seventy-five Maniples, amounted to four thousand six hundred and fifty men, or to four thousand eight hundred, if the Centurion and Standard-bearer are supposed to have been not included amongst the sixty-two. The Maniple of Livy is simply the Wing of Polybius, with the twenty Velites included in the ranks—or Ordo—where they would have only introduced confusion, for they were light-armed skirmishers, javelin-men or slingers, who would have been out of place in an Ordo of spearmen when it came to hand-to-hand fighting. The Accensi were a body of supernumeraries who marched with the Legion to fill up vacancies in the ranks, and belong to an age in which compaigns were carried on at a distance from Rome. The Accensi may have grown up out of the supernumerary thousand of Polybius, but would have been a superfluous addition to the Legion in the time of the Latin war, when battles were fought and campaigns were carried on within thirty or forty miles of Rome. The Rorarii, again, were slingers ; their place would have been in front, and their duty to commence a battle. They seem out of place grouped under the standard with the Triarii, veterans of the reserve, chosen to restore the fight, or complete the victory. In the Legion of Livy we also miss the Cohort, an older formation, probably, than the larger body of men. It seems easy to trace the early Latin legion of thirty Centuries, in the Legion of Polybius, under the later formation of thirty Maniples, adapted, apparently, to the principle of the Samnite legion. So may we trace the dismounted portion of the Mediæval *Bataille*—Shakespeare's *Battle*—in the infantry *Battalion* of the present day. But in the seventy-five Maniples of Livy's Legion it is difficult to trace anything,—except, perhaps, some confusion with the seventy-five Maniples of auxiliaries attached to a consular army.[2]

---

1 Polyb. vi. 20-26. In his subsequent description of the Roman encampment, he says that the auxiliary infantry equalled in number the legionaries λειπὸν τοῖς ἐπιλέκτοις ; the cavalry, after deducting the third part enrolled as Extraordinarii, doubled the Roman horse. Hence the infantry in the corps d'élite, numbering a fifth of the whole force serving on foot, would have amounted to five cohorts, the cavalry to twenty turmæ. Τίνες τῶν ἐθελόντηδον στρατευόμενων τῇ τῶν ὑπατῶν χάριτι are his words in reference to the volunteers (c. 31). The solitary difficulty in his description of the Legion is that, on one occasion, he raises its ordinary strength to four thousand two hundred men ; but, in enumerating the fighting men, he always calculates the legion at four or five thousand. To every Syntagma in the Phalanx five supernumeraries were attached ; and as artificers, trumpeters, and lictors accompanied the Roman legion, of whom Polybius makes no mention amongst the fighting men, the additional two hundred may have included these supernumeraries. They were probably supplied in early days from the "Centuries" of Fabri Tignarii and Musicians.

2 Liv. viii. 8. "Ordo sexagenos milites duos, centurionem et vexillarium unum habebat. Prima acies hastati erant, manipuli quindecim . . . Manipulus leves vicenos milites, aliam turbam

NOTE B.

THE highest amercement allowed by the Twelve Tables was a fine of thirty oxen, or three thousand *Asses librales*, after "æs signatum" began to take the place of "pecunia" paid in kind. Each of the ten Sureties for the son of Cincinnatus was bound in a similar sum of three thousand *Asses;* and the ransom of every Roman after Cannæ was fixed, according to Livy, at three hundred Quadrigati, representing the same amount. Not that the value of money at the time of the Second Punic War was the same as of old, but the old amount may have lingered on as a fixed sum, representing something that was once a reality in times gone by; just as our Forty-shilling freehold lingers on after it has long ceased to represent the legal value of the tenth of a knight's fee, and a Forty-shilling fine is still a limit in certain cases, because it was once the limit in the lesser courts, for the reason that a higher fine might have been more than a member of the lowest order of freeholders could have paid. Certain institutions of the past are apt to linger on unchanged through an astonishing number of generations. The eighty *scillings*, at which a Læt of the first class was valued in Kent at the opening of the seventh century, were still represented in the reign of Edward I., after a lapse of more than six centuries and a half, by the 5 lbs. wergild of the Kentish tenant in gavel-kind; and the fourteen hundred and forty solidi of threepence, at which the Saxon Adaling was estimated in the time of Charlemagne, reappear in the Sachsenspiegel, after a lapse of five centuries, as the 18 lbs. wergild of "Fürsten, Freyherren, and Schoppenbar-frey Leute." No other classes appear to have existed amongst the Romans, in the age in which the Twelve Tables were compiled, except the Adsidui and the Proletarii; and when the principle of classification was introduced, and the *Locupletes*, according to Cicero, were arranged as *Adsidui* according to the amount of their property, the members of the lowest class of the Adsidui were estimated at fifteen hundred *Asses*, or as the possessors of fifteen oxen, exactly half the amount of the highest fine allowed by the Tables. The thirty oxen, and the fifteen oxen, stand in the same relationship to each other as the Quatuor jugera, or Hæredium of the Patrician Cincinnatus, and the ordinary Hæredium of Bina jugera; and in the early age in which the ancestors of the Patricians, or local aristocracy of Rome, constituted the sole Populus, the highest fine, and the highest sum required from a Surety, may have not improbably been identical with the ordinary valuation, or *wergild*, and thus appeared in a later age as the ransom. The Pater-familias, who was entitled to take his place in the popular assembly of the Three Hundred, would thus have been assessed at thirty oxen, sons and dependants only at half that amount. So amongst the early Franks, the Leud was valued at two hundred solidi, his follower, the *Miles*, at a hundred. The Cnecht appears as a half-Burgher, a Sixhyndman, a Baschevalier; always in some subordinate position in connexion with a Master, a Senior, or somebody above him; and *cnecht* in early days was only another word for *son*.

There was a time when the titles of modern days were realities, and when their holders, raised above the class of ordinary feudatories, with their greater responsibilities enjoyed also greater wealth. The greater nobles of Spain were once known as *Ricos Hombres*, and the epithet of "Rich men" is also used occasionally by Joinville, writing at the opening of the fourteenth century, as an equivalent for "Men of rank." There was a close connexion, therefore, during the early feudal period between rank and wealth, but as the Benefice began to be converted into the hereditary Feud, with the principle of private and hereditary property, the seeds of future decay were planted in the system, though the development naturally commenced from below. For every 20 lbs. of land, by the law of Henry II., the Baron was bound to keep a

scutatorum habebat. . . . Robustior inde ætas totidem manipulorum. . . . Hoc triginta manipulorum agmen antepilanos appellabant, quia sub signis jam alii quindecim ordines locabantur, ex quibus ordo unusquisque tres partes habebat. . . . Tribus ex vexillis constabat, centum octaginta sex homines erant. . . . Scribebantur autem quatuor fere legiones quinis millibus peditum, equitibus in singulas legiones trecenis."

hauberc and find a rider to wear it; but after the 20 lbs. of land had been inherited and bequeathed during a few generations as the *Fief de hauberc*, the "poor knight" began to make his appearance, and in the second year of the reign of Edward II. was excused from service. The State was the sovereign of Rome, represented by the privileged Senatorial order instead of a privileged king or emperor, but the principle of classification was identical, in many respects, with the mediæval principle of rank, the Censors exercising the prerogative of the emperor or king. Birth entitled the member of a privileged class, in both cases, to enjoy offices and wealth, and it would be more correct to describe the highest classes as the wealthiest, than to say that the possession of wealth entitled its holder to admission amongst the highest classes. Accordingly, in the assessment of the Second Punic War, the Senatorial order stands out as a wealthier body than the First class; and a state of society of this description could only have been originated and perpetuated, in an age during which wealth was not so much accumulated and transmitted in the shape of private property, but rather was attached to, or grew out of, the hereditary right of occupying the Public land belonging to the privileged classes—the Censors representing the mediæval sovereign, the allocation answering to the benefice. It was the privilege of a member of the Senatorial order to occupy a greater amount of Public land than a member of the Classes, and accordingly he was a wealthier man, and rated as such. It would not have been in the power of an unknown man, in those days, to force his way to the front by dint of wealth accumulated as private property. He was bound first to fill honourable office under the State, and, if he succeeded in doing so, he would have then bequeathed to his descendants, with his *Imago*, the privilege of becoming wealthy at the expense of the State, and in later days, as time passed on, of accumulating private property whenever it fell in his way. The vast extension of the Roman dominion after the fall of Carthage and the conquest of Greece led to the accumulation of immense private wealth, comparatively unknown before that time, and the revolution of the Gracchi changed the earlier order of things. The poor Patrician, and the needy member of the Senatorial order, belonged to the period following the revolution, and, together with the changes introduced after the privilege of occupation was virtually abandoned, contributed to prepare the way for the Civil wars and Cæsar.[1]

The Classes lingered on, but they were realities only in the period between Licinius and the Gracchi, during which the position of the Roman aristocracy, as a hereditary order of "occupying" proprietors, was not unlike that of the mediæval aristocracy, in as far as the latter was a hereditary order of "beneficed" proprietors. As long as the system was in full force, care seems to have been taken to exclude the known descendants of Freedmen from the First class, lest the Senate should be "polluted," as in the case of Cneius Fulvius; for when the father of the Gracchi received the thanks of the Senate for removing Freedmen and their sons from the rural tribes, exception was made in favour of all who, at the previous census, had a son of full age, or who were enregistered as the possessors of property in the rural districts amounting to more than thirty thousand sesterces—"qui prædium, prædiave rustica, pluris sestercium triginta millium haberent." As a property of more than forty thousand sesterces, or a hundred thousand *Asses*, would have entitled the possessor to be placed upon the roll of the First class (though upon the lowest footing), it would appear from this passage

[1] After the close of the Latin war, the Campanian Equites were rewarded for their fidelity to the Roman cause by admission to the privileges of citizenship; whilst the Campanian people were punished for their adoption of an opposite course, and were ordered to contribute to the support of their sixteen centuries of nobility by annually paying to each Eques a sum of 20,000 "nummi denarii," or 200,000 Asses—"in singulos quotannis denarios nummos quadringenos quinquagenos" (Liv. viii. 11). This sum represents exactly double the amount at which the member of the First class was supposed to have been rated at that time; and if the Campanian Eques was placed upon a footing with the Senatorial order or admission to the citizenship, the assessment of that class may be supposed to have been represented, at the time, by a similar sum, doubling that of the First class. The sixteen centuries of Campanian Equites resemble the sixteen centuries of Roman Patricians.

as if Freedmen were only allowed admission, at the highest, to the Second class, though their descendants, after the stigma of a servile origin had passed away, were probably relieved from such exclusion. In several of the earlier mediæval codes the Libertus is found in a similar position, the stigma resting on the race until the third generation.[1]

The Roman acre was probably reckoned as an *As* for fiscal purposes—a custom very prevalent in mediæval times—though it could not have arisen in either case before the introduction of coined money as a standard of valuation. Assuming the As to have represented originally the sum levied as *decumæ*, or penny-gavel, from the acre of Public land, it would give to the latter in early times a value of ten Asses ; and the fine of "dena millia assium," inflicted upon Licinius, would in this case represent the legal value of the thousand jugera he occupied in contravention of his own regulation. An ox, valued at a hundred Asses, would represent ten jugera, or the amount of pasturage supposed to be assigned for his support, by customary usage, upon the Ager compascuus, as seems to have been actually the case at a certain period in mediæval times. Not that a pasturage was very accurately measured out, but, within a certain limited area of grazing land, a definite amount must have been assigned to each animal in order to calculate the numbers that the land would support. Cato reckons that a flock of a hundred sheep might be kept upon a farm of two hundred and forty jugera ; and as a similar amount of pasturage was allowed by the regulations of Licinius to a hundred larger, as to five times that number of lesser stock, twenty of the former would have required as much as a hundred of the latter, thus giving twelve acres to the ox. The Romans, in early times, evidently calculated upon the duodecimal principle. Their Modius, for instance, was the small Sicilian talent of 20 lbs., a *sixth* of the larger talent that answered to the Medimnus ; their Amphora was a *Trimodia*, or measure of *three* small talents ; and their Pound was a Mina divided on the duodecimal instead of the decimal system. The "length of the furrow" reached to a hundred of six-score feet, but the rest of their measurements followed the decimal system, and were evidently adopted from the usage of Southern Italy. Hence, after the tillage farmer superseded the herdsman upon the Public land, the *Decemodia* probably made its appearance (if not before) side by side with the smaller measure of earlier times, the *Trimodia*—types, as it were, of the intermixture of the two principles in the later system of Rome. The *Mille Passus* was merely an adaptation of the Greek measure of length ; but if such a measure existed, as it probably did, in the days in which the Roman reckoned his hundred at six-score, the Saltus, as a square mile, would have contained twelve hundred jugera, representing "a thousand jugera" by the reckoning of that age—a more likely amount than the eight hundred and sixty-eight jugera (or thereabouts) in the Saltus, or square mile, of Varro's age—a measurement adapted to the Campanian *versus*. Hence the five hundred jugera allowed by the regulation of Licinius, reckoned by the hundred of six-score, would have represented half a Saltus of "the old extent." Cato's hundred sheep were kept upon a farm under cultivation, so that the full number of stock, whether larger or lesser, might have been kept upon

---

[1] Liv. xlv. 15. Cicero, in his description of the Centuries, only admits the *Fabri Tignarii* amongst the First class, though Livy adds the workers in metal. The great orator is probably correct, as his valuation of the lowest class of Locupletes is far more in accordance with probability than that of Dionysius and Livy. In the Twelve Tables *tignum* is used for all building material, and the Fabri Tignarii were the builders, architects, and engineers of the age. It is curious to notice that amongst the Celtic people a similar position was assigned to a similar class, for *Faber Tignarius* would be rendered in Gaelic at this day by *Saor*—Free, or noble—and nearly every old building in Ireland is attributed to the "Goban *Saor*." All the Burgundians are supposed to have been workers in wood,—Fabri Tignarii—and the place of the worker in wood seems to have been partly taken, amongst the Teutons, by the worker in metal, or Smith, who was always, apparently, a freeman. Thus, in the oldest code of the West-Saxons, the Gesithcundman "leaving his land" might take with him his child's fostera and his smith, who was therefore not attached to the land, and in the still earlier Kentish code the king's "ambiht," smith, is met with, as an *ambactus* or free dependant.

a Saltus under cultivation; and it is not improbable that the amount of land in occupation, permitted by the Licinian legislation, was the equivalent of a Saltus of "a thousand jugera," half in jugera, half in privilege of pasturage. On turning to the Assessments, it will be found that the First class was originally valued at eight times the amount of the Fifth, at four times that of the Fourth, or, according to the standard of Cicero, at four times the fine of thirty oxen; in other words, each member of the First class was estimated at a hundred of six-score oxen, or twelve hundred jugera, a Saltus of the old extent. Of this Saltus, the *jugera* would have represented the half upon which *Asses Vectigales* were imposed, as the mark of public property in occupation; and these jugera might be cultivated in any manner, built upon, or turned by the occupier to any purpose that was consistent with the character of State domain; whilst the equivalent of the other half of the Saltus would have consisted in the privilege of depasturing stock upon the Ager compascuus, which necessarily remained uncultivated, and was held in joint-occupation. The duodecimal system was probably supplanted by the decimal during the period in which silver coins began to be struck, passing for ten Asses, and had long been out of use in the days of the Gracchi; after whose time the holdings of the tillage-farmers, planted upon the Public land, seem to have been limited to a tenth of the later, or a twelfth of the original, amount of jugera and pasturage.[1]

Such are a few of the conjectures which may be hazarded upon the state of society that appears to have existed amongst the Romans at a certain early period of their history; and speculations of this description, though founded on facts as well as probabilities, can make no pretension to be anything except conjectures. Beyond a few scattered notices of the Twelve Tables, the investigator of early Roman history has nothing to compare with the codes, and charters, and numerous other documents, reaching down to a comparatively recent date, that enable us to fix upon certain features of the mediæval period, and draw deductions from them with tolerable accuracy. The actual extent of the territory, for instance, under the immediate dominion of the Scottish kings, at the opening of the fourteenth century, may be tested by the Ploughgate; for the whole of the western districts, that were brought more directly under the royal jurisdiction at a later period, were measured and assessed by a different standard. The limitation of the Hundred to the southward of the Tees, and the practice of accepting coins of every description from Northumbria, that was only put a stop to in the middle of Henry the Second's reign, disclose the slight attention paid to the edicts of the early English kings amidst the wild northern districts, that were too unsettled to be included in the survey of the Conqueror. But no similar tests can be applied to the elucidation or verification of early Roman history. We know that the modern English mile differs materially from the measurement of earlier times, the Leuga, but we can only conjecture that a similar change may have been brought about at some period amongst the Romans. The square Leuga, or square mile, seems to have been an institution throughout Western Europe; and the Saltus, as a measurement of land, was its exact equivalent. The square Leuga—in England certainly, and probably elsewhere—seems to have answered to the holding of the privileged full-freeman of a certain period—its tenth or twelfth representing the "terra familiæ." It can only be conjectured that the Saltus may have resembled the Leuga in this respect also, just as its tenth or twelfth seems to have represented, in a somewhat later period, the largest holding allowed to the tillage-farmers on the Public land. The system of valuation in stock, instead of in coined money, is as traceable amongst the early Romans as amongst the Celts and Teutons; but the correspondence of the *wergild* in early days, with the amount or value of the holding, a certainty in one case, is only a probability in the other. The Decempeda was long the measuring-pole in Bavaria, and ancient Bavaria, before it was occupied by the Teutons, was for some time

[1] "Jugerum unum pedes ccxl., et in latitudine pedes c. faciunt, terra modiorum iii."—*Grom. Vet.* (Lachman), t. i. p. 359. This is a passage in which the hundred seems to have been reckoned at six score at a comparatively late period.

included in a Roman province. Kent, before it was conquered by the Jutes, must have been inhabited by a Romanized population for several generations; and many of the features belonging to the tenure of the Roman Emphyteuta were reproduced in the tenure of the Kentish Gafolgelda. A great deal of Imperial, or later, feudalism may be said to have been derived from Imperial Rome; but many of the usages observable amongst the early Romans, which seem to have been reproduced, as it were, in the earlier mediæval system, were either the ordinary customs of society in a certain stage, or occasionally may be traced, in both cases, to some kindred source.

NOTE C.

FOURTEEN of the Roman tribes appear to have been distinguished by local names. Stellatina, Tromentina, Sabatina, Arniensis, and perhaps Falernia, were formed out of Etrurian territory; Crustumeria, Velina, and probably Quirina, were of Sabine origin; Pomptina, Mæcia, Scaptia, Ufentina, Aniensis, and Terentina were situated in Latium, as well as Publilia, which completes the number of the fifteen rural tribes that were added to the original sixteen—or seventeen. These earlier tribes seem to have been connected in some manner with the old local aristocracy of Rome, by whose names, in several instances, they were distinguished. Nearly the whole of the historical Gentes, whose right to be enrolled as Patricians amongst the old local aristocracy of Rome seems unquestionable, may be said to be included in the following list of names:—1. Æmilia, 2. Claudia, 3. Cornelia, 4. Fabia, 5. Foslia, 6. Furia, 7. Julia, 8. Manlia, 9. Nautia, 10. Papiria, 11. Postumia, 12. Quintia, 13. Servitia, 14. Sulpicia, 15. Valeria, and 16. Veturia. The four first upon the list, with Papiria and Veturia, may be connected with the six tribes bearing similar names,—in each case, apparently, representing the Patrician element in the old rural tribe. The Papirian Gens, after furnishing Patrician Consuls in historical times, became extinct, and its very existence appears to have been forgotten in the age of Cicero, or perhaps ignored by the Plebeian Gens of the same name, whose Novus homo, Papirius Carbo, was a contemporary of the Gracchi. Thus Papiria affords an example of the extinction of a Patrician, and the subsequent rise of a Plebeian, Gens of the same name; and as the Horatii, Menenii, and Sergii, never appear amongst the Patricians in the historical period of the Republic, whilst the names of Horatia, Menenia, and Sergia will be found amongst the older tribes, it may be presumed that the Patrician element in these three tribes died out at a still earlier period. Nine of the earlier tribes can therefore be connected with Gentes bearing similar names, whilst the distinguished *cognomen* of Camillus seems to associate the Furia Gens with Camelia, and the situation of the "Quintia prata"—the *Quatuor jugera*, or patrimony of Cincinnatus, in the Pupinian territory may be supposed to connect the Quintia Gens with Pupinia. The "caput patrimonii" of Titus Manlius is placed by Livy in the territory taken from Veii, but no clue is thus afforded to the tribe with which the Manlii were connected; Bovillæ seems to have been the original home of the Julii, who belonged in reality to one of the most recent and least distinguished of the Patrician Gentes; and Galeria, Lemonia, Pollia, Romelia, and Voltinia, which complete the number of the earlier tribes, cannot be associated with any of the names that have been handed down, either by history or legend.

The position of the Claudian Gens and Tribe is not a little remarkable. The tribe, the Vetus Claudia of Livy, is alluded to by Virgil, and Dionysius testifies to its existence in the age in which he was writing. It was the last of the tribes named after the Patrician element, or Gens, with which it was connected; yet it is difficult to separate it from the first tribe that is known to have received a local appellation, the Crustumerian. The addition of Claudia is supposed to have raised the number of the rural tribes to seventeen, and the subsequent addition of four new tribes after the fall of Veii only increased that number to twenty-one; yet Crustumeria was at that time in existence, and its separate formation is never alluded to. Assume that Claudia repre-

sented the seventeenth rural tribe, disconnect it from Crustumeria, adding the latter to the fourteen subsequently called into existence, and the total number of the rural tribes will be raised to thirty-two, or one above the number universally received. A similar peculiarity is observable in the Gens, in which alone among the Roman Gentes a double element, Patrician and Plebeian, existed side by side on an equal footing in historical times, and the fame of the Patrician Claudii was eclipsed by the renown of the Plebeian Claudii Marcelli. The mythical Patrician ancestors of well-known Plebeian families were fabled to have "come over from the Plebeians" in prehistoric times; Horatii and Papirii were Plebeians after the Patrician element in their respective Gentes had become extinct; but not another example can be quoted from the historical period of the Republic of the same Gens supplying Patrician and Plebeian members to fill the consulate, the censorship, and other curile magistracies in the same age. Yet a Claudius Marcellus might have sat as colleague with a Claudius Pulcher, a Claudius Canina with a Claudius Crassus; and it seems as impossible to separate the Plebeian from the Patrician Claudii, as members of the same Gens upon an equal footing, as it is to disconnect Crustumeria from Vetus Claudia.

The solution of the difficulty can only be conjectural. The number of the later rural tribes known under local appellations was fifteen, including Crustumeria; the number of the earlier rural tribes, of which the names have been preserved, was also fifteen, Claudia making the sixteenth. There are supposed to have been sixteen rural tribes when Claudia was added, but the name of one is wanting, and either Claudia was separated from Crustumeria to supply the deficiency, or Crustumeria was separated from Claudia and placed upon a level with the tribes without a Patrician element. Thus the elder branches of the Claudii would have remained in the ranks of the Patricians, whilst the remainder would have been relegated to the Plebeians, and the tribe of *Nova Claudia* would have assumed the local appellation of Crustumeria. The inequality in the number of the tribes, so necessary for the Roman system of voting, would thus have been preserved without increasing the number of the privileged Gentes, for both Vetus and Nova Claudia would have been connected with the same Gens; and fifteen Curiones would have been chosen as the representatives of the Patrician or Majores Gentes, fifteen for the Plebeian or Minores Gentes. The anomalous position of the Claudii may have been the reason for their never adopting a member of another Gens, for the man thus adopted would have been necessarily numbered amongst the Plebeians; and it may account also for that peculiar detestation of the Plebeians so often attributed to the earlier members of the Gens, invaded as it were by the very element they detested—perhaps also, for the policy attributed to Appius Cæcus the Censor. Such conjectures may however be fanciful; but the abnormal position of the Claudian Gens and Tribe is a historical reality.

The following names represent the Plebeian Gentes, more or less known, whose mythical progenitors figure amongst the Patricians in the era before the Rogations of Licinius became law: Aquillia, Æbutia, Cassia, Clælia, Cominia, Curiatia, Curtia, Gegania, Genucia, Hostilia, Junia, Licinia, Lucretia, Marcia, Minucia, Mucia, Pompilia, Sempronia, Sextia, Tullia, Virginia, Vitellia, Volumnia. Of all these names that of Virginius seems to have been most popular, no fewer than twelve mythical consuls having been assigned to it, though it never appears at all in the historical period. Of the great Plebeian Gentes that supplied many of the earlier historical consuls, whose members seem to have made no claim to belong to the local aristocracy of early Rome, perhaps because their provincial origin was too well known, the following may be mentioned among the best known names, Ælia, Atilia, Aurelia, Calpurnia, Cæcilia, Domitia, Fulvia, Lutatia, Livia, Mamilia, Pætilia, Popilia, Plantia.

NOTE D.

THE following occurs at p. 31:—"Livy writes of nummi denarii in early times as coins of the copper standard." The passage was written long ago, and escaped my notice; but as the expression "coins of the copper standard" might easily be mistaken

from its ambiguity, it may be as well to explain that I do not mean copper coins, but coins of the period in which the Roman standard was of copper. By "nummi denarii" I believe that Livy means *Decalitra* at an early period, or coins of the Corinthian standard that would have passed for ten *Asses librales*, but were certainly not minted at Rome. The Quadrigati and Bigati were not necessarily denarii, for some bear a Q for Quinárius, others an X for Denarius, and others have no mark at all; but wherever they conformed to the Æginetan standard, as Decoboli or Pentoboli, I believe they would have passed as Denarii or Quinarii, as long as the As weighed 2 oz. After the reduction of the As to an ounce, they would have passed, respectively, for double their former value; but by this time the Attic drachma was becoming more and more familiar to the Romans, until they struck their silver coin of a similar type, and made a still further reduction in the weight of the As.

It is curious to notice the change that occasionally took place in the general standards of the silver and copper coinage. The Chalcos, in the time of Aristotle, was a Roman lb., or a Hemina of the Æginetan talent, which was thus the standard of the usual copper coinage of that age; but, with the proportion between silver and copper at $83\frac{1}{3}$ to 1, the Chalcos of the Attic talent familiar to the Romans, ten of which passed for an obolus, or sixty for a drachma, was $\left(\frac{60{\cdot}75 \times 83\frac{1}{3}}{60} = 84{\cdot}375, \text{ or}\right)$ a drachma of of the old Persian or Corinthian talent. A Chalcos of this standard would have adapted itself to all the coinages of that era, 5 passing for an As, 45 for a drachma of Antioch, 50 for a Pentobolus, 60 for an Attic drachma, 75 for a drachma of Rhodes, 100 for a Decobolus or *δραχμὴ παχεῖα*, and 150 for a Cistophorus. It must have disappeared, as a coin, from the circulation with the change in the proportion between silver and copper, and after the introduction of the Roman system throughout the Roman world. Its place as the smallest copper coin was probably filled by the Quadrans, the *λεπτὸν* of St. Luke, and it must have sunk into the position in which the earlier Chalcos is found in the Byzantine system.

INDEX.

ABERDEEN, see of, 127.
Abthanage, the Scottish, 127.
Accola, the, in Ireland, 157.
Acre, the, and its variations, 88 *seq.*; the Scottish, English, and Irish, 99; the Roman, 258.
Adalings or Odallers, xxxi. *seq.*, xliv. lxiii. lxvi., 115, 153, 163.
Adarme, the, 41, 56.
Adsidui, the Roman, or Freeholders of the tribes, xxv. *seq.*, 14, 228 *seq.*, 242, 256.
Æginetan talent, 5.
Æs Equestre and *Æs Hordearium*, 16.
Æthel, the, and the feo, xx. xxxi. lxiii.
Ætheling, the, xxxi. *See* Adalings.
Æthelbald of Mercia, 63.
Æthelbert, laws of, 39.
Æthelred of Northumbria, 63; leading members of the house of, 188.
Ætolia, 7.
Ager compascuus (land held in joint-occupancy), 246, 259.
Ager Occupatorius, the, of early Rome, xxix., 243, 252.
Ager Quæstorius (land alienated and sold), xxviii., 251.
Agilolfings, the Bavarian, xliv. lxii. lxiii.
Agricultural communities, xxii. *seq.*
Agrippaniske, or Cologne, weight, 3, 49.
Agri Vectigales; *see* Vectigalian.
Albus, the, 48 *n.*
Alexander the Great, 4, 5.
Alfred's Laws, 64.
Allodial tenure, xx. xxi.
Amber, the British, 68.
Amphora, the Roman, 1, 6 *n.*; the Attic, 25.
Ancing, the (a measure of work), 69.
Angevin pound, the, 44.
Angles and Werns, xxxix.
Angles, currency amongst the, 62-67.
Anglo-Irish, the, 160.
Anglo-Saxons, the year and indiction amongst the, 82.
Antiochus, 8, 13.
Antrustion, the, xxxv., 132, 163.
Arabian communities, xxii.-xxiv.
Archery in war, xiv.
Ardeb, the Egyptian, 6.
Argenteus, the, 7, 20, 45, 48 *n.*
Ariense, the, 41, 56.
Aristocracy, the Roman, and their relation to the land, xxv.-xxviii.
Aristotle, 5, 11.
Armlet, the, used for money, 39.
Arms, military, improvements in, ix.
Arpent, the French (a land-measure), 93.
Arragon, old provincial currency of, 55, 56.
Arroba, the Arabic, 56.
Artaba, a Persian corn-measure, 6, 25.
Artel, the Russian, xlii.
As, the Roman, 5, 11, 256 *seq.*; variations in its weight, 12, 14, 16.
Assarius (nummus), 26.
Asia Minor, currency in, 7, 9.
Assize at Arms, the, xvi. xvii.
Athelstan, laws of, 64.
Athens, old mint-weight of, 4.
Attic weight, standards of, 24 *seq.*
Augsburg, marc of, 62.
Augustus, the Emperor, 17.
Aureus, the, 4 *seq.*, 19 *seq.*
Austrasian currency, 42, 43, 63, 72.
Avoirdupois pound, the, 67.

BAGIMONT'S valuation of land in Scotland, 140.
Balliboe, the Irish, 142-144.
Ballybetagh, a land-measure in Ireland, 142 *seq.*
Banlieue, Banmeil, a measure of land in France and Germany, xii. xxiv., 121; the Roman, 230. *See* Leuga (Square).
Barcelona, pound and marc of, 56.
Baro regis, the, 119, 137.
Barony, the Scottish, 117, 130, 137; the Irish, 143.

Base tenure, xxxvii.
Bath (or Ephah), 24.
Battle Abbey, Chronicle of,—measurements in, 90, 95.
Batz or Batzen, the, of S. Germany, 39.
Bauer, Bauerschaft, Bauermeister, Bauergülden, the German, xxvii. xxxii. xxxv. *seq.*, 93.
Baug, an Icelandic tax, 53, 74.
Bavarian Confederacy, the, xliv.
Bavarian currency, 73.
Beag, the Teutonic, 39.
Bezant, the, 3, 4 *n.*, 20, 47, 59.
Belehente Gograf, the, xxxv.
Ben-feorm, the, or Firma precum, 106 *n.*
Berewics, xlvii. lxvi.
Berserkers, the Norse, xiii.
Biataghs, the Irish, 151.
Bigati; *see* Quadrigati.
Billon; *see* Vellon.
Birthright, lxiii., 257.
Bishop, the, in the folc-moot, 130, 177.
Black pence, 45.
Blanc, the, 48 *n.*
Blanche Kane, 137.
Blue (or grey) silver, marc of, 53, 74.
Boc, Bocland, land held by royal charter, xxxi. xlv. li. lvii. *seq.*, 110, 134.
"Boc on ece yrfe," the, lvii. lviii. lx.
Bodes (messengers) of the king, xl., 113, 114.
Boethius, 22.
Boga-skot, the, xiv.
Boldon Buke, the, xlvii.; land-measurements in the, 97, 100, 134.
Boldon, the villeins of, 98, 104.
Boll, the, 68.
"Bondage-system," the, in the north, 99.
Bonder, the, l.
Bondman, the Anglo-Saxon, 99 *seq.*
Boneddig, the, 62.
Bonniere, a land-measure, 93.
Bordars, lvi.
Borough-English, custom of, xlv. lxii.
Borh's Ealdor, the, 114, 137.
Bot, Bote (compensation), xxxvi. *seq.*, 51, 178.
Bothach, the Irish, 157.
Bovata, the, 97. *See* Oxgang.
Bow and arrow, the, as war-implements, xiv. xviii.
Bracteate, the, 40, 49.
Bremen land-measures, 90.
Breyr, the Welsh, 121, 132, 148.
British measures, Roman origin of, 68.
Brugaidhs, Irish freeholders, 151.
Bullion, uncoined, as a medium of exchange, 39, 40, 54.
Burgalès, the Spanish, 59.
Burh (burgh), rise of the, in England and North Germany, xi. xii. xxxiv.
Burh-gemote, 130.
Burnt silver, marc of, 53.
Bushel, the London, 69.
Byrnie (*Brunia*, Broigne), the, x., 111, 112, 117.
Byzantine, Early, currency, 18-23, 72.

Cabraspino on the value of coins in the fourteenth century, 57, 60.
Caithness weight, 66, 68.
Camp, the early, xi.
Cantred, the Irish, 148.
Canute, coins of, 64 *seq.*; laws of, 98.
Capet, origin of the ancestor of the house of, 188 *n.*
Capetian dynasty of the Franks, currency under, 41 *seq.*, 65.
Capitularies, the, of the Franks, ix.
Captain, the Irish; *see* Toshach.
Carat, the, 3.
Carlovingian currency, 23.
Carthage, results of its destruction on the Roman currency, 13.
Cartron, the Irish, 145.
Caruca, Carucata, the, 89, 97, 99, 101, 133.
Cassiodorus, 22.
Castellum, the, xii., 114.
Castille, currency in, 58-60.
Castle-building in England, xv.
Cattle as a substitute for money, xxv., 38, 133 *seq.*
Cavalry, early, xiii.-xix.
Ced (=Hundred), the Irish, 146.
Celsus, 5, 8.
Censor, the Roman, xxviii. xlv., 218, 241, 247.
Centena, the, amongst the Visigoths, 113; amongst the Franks, 114; Italians and Germans, 115.
Centenarius, the, originally a military leader, 113.
Centenionalis, the, 19, 22.
Centuria, the German, 113.
Centuries, the Roman, 220 *seq.*
Ceorl, the Anglo-Saxon, l. liv. *seq.*, 100, 133, 139.
Ceorlcundmen, xlviii.
Chalcos, the, 5, 262.
Charlemagne, ix. x., 37.
Chœnix, the Attic, 25.
Chopin, the, 69.
Chous, the, 24.
Christmas-day; *see* Nativity.
Chronology of the Christian era, 86.

Chrysous, the, of Athens, 4 *n.*
Church-shot, description of, 105.
Cibyra inscription, 9.
Cild, Child, as an addition to a name, 182, 188.
Ciric-sceat, 103. *See* Church-shot.
Cistophorus, the, 9, 28, 262.
Civitas, the, 114.
Clan, the Irish, 155 *n.*
Classes, into which the Romans were divided under the constitution of Servius Tullius, 235, 236, 257.
Claudian gens and tribe, 260, 261.
Clientage, Roman system of, 242 *seq.*
Cloth, used as a medium of exchange, 40.
Cnecht, the Saxon, xxxiv., 256.
Cniht, the Saxon, xlv. *seq.*
Coinage, early substitutes for a, 37-41.
Collar, the, used for money in the North, 39.
Columella, 6.
Cologne standards; *see* Germanic currency.
Coloni, the agricultural, xxvii.
Colony, the Roman, xxvi., 224 *seq.*
Comes, Comitatus, the German, xxxii.
Comes civitatis, the, 113.
Comes exercitus, the, 113.
Comitia Centuriata, the, 218, 221, 241.
Comitia Curiata, the, 218, 239.
"Common" lands, 101, 246, 247.
Community, ancient, rudest form of, xxi.; its different phases, xxii.-xxv.; ties by which communities were bound together, 112 *seq.*
Conquest (acquired property), lxi., 156.
Consulate, the Roman, 218, 220.
Constantine, his reform in the Roman coinage, 20 *seq.*, 46.
Constantinople, coinage of, 3 *seq.*
Corinth, temporary fall of, and its results on Roman currency, 13.
Cornage (payment of rent in cattle); *see* Nowtgeld.
Coronation of Edgar, 203-215.
Coronatus, the, or Cornado, 60.
Coronet, the, as a mark of nobility, 39.
Cotsetlas, the class, lvi.
Cotyla, the, 24.
Cowarb, the Irish, 142, 143, 154.
Creation, epoch assigned to the, 77, 78.
Cro (payment in cattle), 135, 136, 138.
Crucifixion, date of the, 78.
Cubit, the, 88.
Cuthbert (St.); *see* Durham.
Cyathus, the, 1, 24, 70.
Cylch Mawr of the Welsh king, 107, 112.
Cymri, measurements amongst the, 88.
Cyn, the, lxv., 113.
Cyning (the Princeps in ancient Germany), the, xxix. xxxii.
Cyrus, the younger, 4.
Cyrl, the, in the Danelage, lxiv.

Dæg-slat, the old Norwegian, 92.
Daer-clans, Irish, 154.
Danegeld, a land tax, 105, 116, 117.
Danish invasions, and their effects on the currency of the Anglian kingdoms, viii., 64.
Danelage, the English, xii., 64, 74, 98, 130, 198.
Darent, woodmen of, 94, 95.
Daric, the Persian, 4, 24 *seq.*
Darius, 4, 7, 27, 46.
Darkmon, the, 26.
Davoch, the Scottish, 127, 128, 135.
"Day's work," a, (measurement,) 89, 92.
Decalitron, the, 5, 11.
Decimal and duodecimal systems, 27, 33.
Decanus, the, lxi. lxv., 64.
Decobolus, the, 12, 30, 262.
Decuriones, the Roman, 37.
Deer, Book of, 127, 129, 161.
Denarius, the Roman, 1 *seq.*, 13; its value, 12 *n.*, 18, 19, 22, 29-32.
Denier, the, 20.
Destrier, the (great war-horse), xvii. xix.
Dienst (or Thanage), system of, xlviii. li. liv.
Dinar, the, of Egypt, 3, 8, 48, 59.
Diocletian, 19 *seq.*, 46.
Dionysian cycle, the, 79, 80, 83 *seq.*
Dirhem, the, of Egypt, 3, 27, 46, 48 *n.*, 56, 59.
Distance, measures of — German, Roman, Gallic, and Anglo-Saxon, 89.
Domesday Survey, the, 65; land-measurements in, 95, 99, 101; nature of the obligation of night's feorm as shown in, 108.
Domitian, 14, 17, 18.
Doomsmen, the, of the Godord, 115, 116, 130.
Dorf, the German; *see* Torf.
Dorfhufe, the Saxon, xxxvii.
Duodecimal principle, calculated on by the Romans, in early times, 258.
Drachma, the, 1 *seq.*, 10, 19; meaning of the term, 26.
Draco, laws of, 38.
Dreng, the Northumbrian, and his holding, xlvi. *seq.*, 138, 139, 165.
Drihten-beah, the, 39, 60.
Ducange, 3, 4.
Dunstan and his policy, 189-203.
Dupla, the Saracen, 59.

Durham, shire of, with its ecclesiastical and secular officials, 122-126.
Duthaid, the Irish, 155 *seq.*, 160 *seq.*
Dux, the, 119, 177 *seq.*

Ealderman, the, and his Ealderdom, 119, 130, 177 *seq.*, 195.
Ealdor (father) of a Hundred, a military leader amongst the Germans, xxix. xxxiii. xliv., 113.
Echevins, the, xxxix.
Ecu ; *see* Skeld.
Edgar, King of England, his coronation, 203-215.
Edward the Confessor, laws of, viii.
Egbert, his wars with the Wealas, and their results, 110, 111.
Egyptian currency, 6, 8.
Ell, the Northern, 40 ; coin so called, 52, 74 ; the measure, 88.
Emphyteusis, the principle of, in its application to land, described, xxviii. li., 250, 253.
English, Early, currency and standards, 60-67.
Ennius, 216, 217.
Eorl, the, l. li. lxv., 117, 177, 198.
Epulæ, xxxii.
Ephah, the Hebrew, 6, 7, 24.
Eques, the Roman, 16, 220, 221, 250, 257.
Erbzinsgut, xxxvi.
Erbzinsman (hereditary tenant at rent), xxxiv.
Eskippa, the British, 68.
Esquire, title of, 117, 137.
Esterlin, the, 44.
Esterling, the, adopted as the foundation of weight and currency in England, 66.
Etrurians, the, 226 *seq.*
Exactions levied on the occupants of land, 103.

Fabius Maximus, 12, 29-32.
Fahn-lehen, the, 114.
Fall, the Scottish (a land-measure), 88.
Faust-recht, xl.
Fee-farm, tenure in, 139, 250.
Fels, the Arabic, 3, 49.
Feo, the (reward of service in early feudalism), xx.
Feorm (rent in kind), xxviii. *seq.*, 105 *seq.*
Feriæ Latinæ, the, 237.
Ferlingate, the, 97.
Feudalism, early, vii. xx. xxxiii. lxix.
Feu-farm, land sublet in, 138.
Fief-de-hauberc, xvi. xvii. lxi., 97 *n.*, 101, 102, 112, 117, 139, 257.
Field-churches, 124.
Fierding, the (a district to which a court was attached), 115, 120.
Finetiud (tribe-land), the Irish, 155.
Firbolg, the, in Ireland, 158.
Firlot, the Scottish, 67.
Flaith, the Irish, 154.
Flamens, the Roman, 242.
Flamske, the, or Frison groat, 50.
Florin, the, of Florence, 31, 45, 46 *seq.*, 57 *seq.*
Folcland, the, xxxi. xlvi. *seq.*, lvii. lxvii.
Folclic class, the, and their services, amongst the Anglo-Saxons, xlix.
Folc-moot (county-court), the, 119, 130, 177.
Follaz, the Spanish, 49.
Foot, the (measure), 88.
Fortifications, permanent, rise of, in Western Europe, x.-xii.
Forty-shilling freehold, difference between, in England and Scotland, 136.
Fostering, custom of, amongst the Anglo-Saxons, 200, 201.
Fother, the British, 68.
Frank tenure, xxix. xxxvii.
Franks, the early, their supremacy over their neighbours, ix. x. ; and their currency, 41 *seq.*
Frank-socage, l. li.
Frederick the Great, ix.
Frei-graf, the, and the Frei-stuhl, xl. *See* Schöppenbar and Vehm.
Friesland, xlv.
Frigiven-man, l.
Friling, the Saxon, xxxiii. *seq.*, xlvii. lxviii.
Frison currency, 49 *seq.*
Frith and Frith-borh, the, lxi., 178, 198.
Frohn-bote, the, xxxvi. xl., 114.
Fuider, the Irish, 157.
Full-merc of Friesland, 51, 52.
Furrow, length of the (measurement), 89.
Fürsten ; *see* Principes.
Fürsten and Freyherren, the, xxxv., 256.
Fylki, the Norwegian, 119.
Fyrd, the, xlviii. lv. lvii.

Gærs-tun, the, xxix.
Gaflok, the, xiv.
Gafolgelda ; *see* Kentish gavel.
Gafol-land, liv.
Gafol-pening, the, xxx.
Galanas, the, 121, 132, 133.
Galen on weights and measures, 2, 5, 26 *seq.*
Gallica Militia, tactics in war known as the, xvii. xviii.

Gall-oglach (Gallowglasse), the, of the Scottish Highlands and Ireland, xiii.
Gallon, the, 69.
Gasind, the, and the Gasindschaft, the German, xxxii.; principle of the, traceable from the earliest times, in England, xliv.; amongst the Franks, 115.
Gau, the, xl., 115, 130, 132.
Gaul, conquest of, 19; early intercourse with Britain, 38.
Gavel, Gavellers, Gafolgeldas, l. li. liv. lxix.
Gebur, the, liii. *seq.*, 97, 104, 143, 158.
Gedal-land, 101.
Geestland (in Sleswig) land-measures, 90.
Gelchach, 138 *n.*
Geneat, the ("sharer" in the vill), xxvii. xxix. xxxvi. li. *seq.*, lxvi., 94, 100, 101, 117 *n*, 134, 154, 247.
Gentes, the Roman, 239 *seq.*
"Gentle and simple," xlvi. lv.
Gentle tenure, xxxvii.
Gerefa, the, and his shire, lxvi., 119, 130, 178.
Gericht; *see* Shire.
Gericht's cnecht, xxxvi.
German, the early, xxix.
German confederacies, xliv.
Germanic, Early, and Frison currency, 49-52, 72 *seq.*
Gersume, a gift or payment, l., 117.
Gesithcundmen, xxxii. xliv. xlvi. l., 139, 163. *See* Gasind.
Gesith-socns, lxvi., 114, 118, 130, 137.
Gillies, the Irish, 143, 151, 158.
Godord, the, a civil district in Iceland, 115, 116, 130.
Godr (Godordsman), the, and his beag, xxxv., 39, 115.
Gograf's court, the, xxxvii.
Gold and silver, relative value of, on opposite sides of the Alps and Pyrenees, 46 *seq.*
Gothic Judex and Rex, xliv.
Gracchi, the, xxvii., 249 *seq.*
Graf, the, amongst the Franks, xxxv., 115. *See* Gerefa.
Gragas, the (Icelandic code of laws), 46, 48, 52.
Gramme, the, 32 *seq.*, 48 *n.*
Graphio, the, amongst the Franks, 115, 178.
Grate, the Groningen, 50.
Gregory the Great, 6 *n.*
Grith, the, 178.
Groningen merc and pund, 50.
Gualoer, the (right to the property of a deceased alien), in Brittany, 129, 161.
Gueldons, the, and their equipment, xiv. xviii.
Gustavus Adolphus, ix.
Guthrun's-Lane silver, 53.
Gulathing, the Saxon, l.
Gwesdfa (night's feorm), commutation for, in Wales, 107-109.
Gynæceia, the imperial, 37.
Gyrd, the (measure), 88, 96.

Hache Noresche, Norse two-handed axe, xiii. xiv.
Hæredium, the, of the Roman Adsiduus, xxvi. *seq.*, 243; its extent, and the laws affecting it, 15, 244, 245.
Hærredsthing; *see* Hundred-court.
Hägerman, the Saxon, xi. xxxiv., 93, 130 *seq.*, 139.
Hager-staller, the, xxxiv.
Haistaldus, the, amongst the Franks, xxxiv., 130 *seq.*, 139.
Hakerhufe, the Saxon, xxxvii.
Half-King, Athelstan, the, 183 *seq.*
Halsberg, the, xiv., 117.
Halsgericht, xxxv. xl.
Ham, the (home of the agricultural population), lxvi., 101, 118.
Handfast marriages, 164, 172-176.
Hannibal, 12.
Harpocration, 4 *n.*
Hastings, battle of, xv.
Hauberc (shirt of mail), the; *see* Halsberg.
Heah-gerefa (High-reeve), the, amongst the Angles, 177, 198. *See* Reeve.
Hebrew and Persian weights, 7, 24 *seq.*
Heidscheffel, the Geestland, 90.
Heller; *see* Marc (Cologne).
Helms and byrnies, xlviii., 117, 119.
Hemina, the, 25.
Henry's (King) Laws, lxvi., 119, 137.
Henry the Fowler, xii. xxxiv., 130.
Heorth-fest (a householder), lxvi.
Heptacotylon, 24.
Hereditas, lx.
Here-geate (war-loan), 112. *See* Heriot.
Herenagh-lands in Ireland, 147.
Heretoga, the, xxxiii., 113, 177, 220.
Heriot, the, xlviii. liii. lix. *seq.*, 39, 46 *n.*, 112, 117.
Hexham, Black Book of, and its land-measurements, 98, 100. *See* Durham.
Hide, the, a land-measure, 92-102.
High Reeve, office of; *see* Reeve.
Hildebrand, 83.
Hiwisc, the (Wessex hide), 96.
Hlaford-feorm (Refection), xxix.
Hlaford-socn, xxxiv.
Hobeler, the (light horseman), xix.
Hof, the Bavarian, 92, 93.

Holce, the, 19.
Hold, office of the, 177.
Horse, value of the, at different periods, 48.
Horses of the Roman Equites, 16.
Horseman, the, among the Celts and Teutons, xiii.
Horse-shoe and stirrup, the, xiii. xiv.
Hortus, the Roman, xxvi.
Hreil-merk, the, 40, 50, 74.
Hring-serk, the Norse shirt of mail, xiii.
Hrope, the, 28.
Hue and Cry, the, 130, 178.
Hufe or Huba, the, a land-measure of Germany, 92, 93, 96.
Hufen-lands, Saxon, xxxvi.
Hund, the, 90.
Hund-landes, a Saxon land-measure, 90.
Hundrada, the, 52, 75.
Hundred, the (division of a county), lxvi., 115.
Hundred, fine so called, 64.
Hundred, the long, 27, 39 *n.* 259 *n.*
Hundred-court, the, lxv., 115, 198.
Huns, the, xiv.
Huntari, a subdivision of the Gau, 115.
Hunting communities, xxi. xxii.
Husbandland, the, 99, 135.
Husbandman, the, xxvii. *seq.*, lxvi.
Husting, court of, lxi.
Hy Fiachrach, 154, 155.
Hy Many, 109, 143, 154 *seq.*
Hyperpyrus, the, 2, 35, 47, 48 *n.*

ICELAND, 46, 48, 52 *seq.*, 115.
Imagines, the Roman, 232 *seq.*, 257.
Incarnation, year of the, 79, 83 *seq.*
Indiction, the,—the Cæsarian, and that of Constantinople, 80 *seq.*; usage of the Papal Court, 80, 81, 84-86, of the Teutonic Christians, 81, and of the Anglo-Saxons, 82.
Ingenui, the, of the allodial system, xx.
Ini's Laws, 38, 101, 118, 134.
Inland and Outland, xli. xlii. lxvi., 101.
Ioclet, the, 109.
Ireland, currency in, 49, 54, 55; agricultural measurements in, 142-151; land-tenure in, 152-160.
Isidore, 6, 8.

JACA; *see* Arragon.
Jarl, office of the, 116, 119.
Josephus, 6, 10, 24 *seq.*
"Journeyman," the (Day-worker), xxxvii.
Juchart, the Bavarian, 93, 94 *n.*
Juger, the, 93.
Jugum, the Kentish, 94, 95.
Julian Calendar, 76 *seq.*, 84.
Justice in Eyre, the, 119.

KAISAR, the (as supreme head of the Gasindschaft), xxxv. *seq.*, lxiii.
Keel, the Newcastle, 67.
Kentish currency, the old, 60 *seq.*
Kentish gavel, l. *seq.*, 94, 133, 156, 260.
Keration, the Byzantine, 3, 21 *seq.*
Killo, the, 3.
Kindred, tie of, in pastoral communities, xxiv. xxix.
King, the; *see* Cyning.
King's kin, the, 177-189.
King's-bot, 64.
King's-thegns, xxxv. xlvii. lxiv., 64, 74, 111, 117, 131, 163.
King's-wite, xxxv., 61, 62, 174.
King's Wife, the, 166 *seq.*
Kirktown, the Scottish, 123, 127, 128.
Knight's fee; *see* Fief de hauberc.
Knight service in Scotland, 140; in Ireland, 150.

LÆN-LANDS, xxxi. xlv. li. lxiv., 117, 153, 199.
Læt, the, xxxiii. xlix. *seq.*, liv. lxvi., 92, 100, 133.
Lah-slit, the, of the Danelage, 74.
Laird, the Scottish, 138 *n.*
Lak, the Indian, 8 *n.*
Land,—tribe-land and public land amongst the Romans, xxvi. *seq.*; land-customs of the early Germans, xxix. *seq.*
Land-agende man, the, lxiv.
Land-gavel, the, 102 *seq.*; from whom exigible, 105, 117.
Land-measures, 88 *seq.*; German, 90; Norman, 91, 92.
Land-recht, xxxiii. xxxix., 163, 165.
Land-right, xxxi.
Landsessen, the free, xxxv. xxxvii.
Langenekre, the Saxon, 90, 91, 96 *seq.*
Lassen, the German, xxxiii., 157, 158.
Latin colony, the, 224, 237.
Law silver (of Iceland), 53.
Latium, ancient, and its communities, 226 *seq.*
Legion, the Roman, 14-18, 217, 224, 230, 241, 242, 254.
Lehen-recht, xxxiii. xxxix., 163.
Leinmerk, the Frison, 40, 49.
Less-thegn, the Lancashire, liii.
Leth-pinginn, the Irish, 54.
Leud, Leudes (people), xxxv., 163; the Frankish, 256.

Leuga (long mile), the Anglo-Saxon, 89; the Square Leuga (Twelve-hides), 121, 259.
Liber, the Saxon; *see* Friling.
Liberalis; *see* King's-thegns.
Libra Denariorum, the, 43.
Libra Occidua, the, 20, 23 *n.*, 46, 47, 49, 72.
Licinian Laws, the, xxvii., 223, 234, 259.
Liod merc, the, 50.
Liti, the, in the *Lex Saxonum*, xxxiii. xliv.
Litra, the, 5, 11.
Litsmen, the, and their pay, 65.
Locatio (letting of land), xxviii.
Locuples, the Roman, 242, 256.
Lög-aura, marc, of Iceland, 53, 74.
Lög-silfr (*see* Bullion), 53.
Londe, as distinguished from Yrfe, lx.
London Bridge, lvii.
London, standard of, 66; "London Troys," 67.
Loth, the Frison, 51.

Mæg (or clan), the German, lxvii., 113.
Mæg-borh, the, xx. liii. lxiv.
Maer, office of, amongst the Welsh, 114.
Magna Charta, xl., 105, 137 *n.*
Maiden-money, liii.
Maineté, custom of, xlv. xlvi.
Mair, the Scottish, 114, 127.
Malachin, the, of Spain, 58.
Man-bote (compensation for the loss of a man to the overlord), xxxv., 75.
Manachs, Irish (tenantry of church-land), 148, 157.
Maneria (freehold properties), lxvi.
Mancus, the gold, 4, 42, 46.
Mannung of the reeve, 130, 178.
Manorial rights, lxvi.
Mansuarius, definition of, 92.
Mansus, the Frankish and Bavarian, lv., 92, 103.
Marabotin, the, of Portugal and Spain, 57 *seq.*
Maravedi, the Castilian, 58 *seq.*
Marc de Troyes, 3, 27, 36, 55.
Marc, the Cologne, 9, 23, 49, 52.
Marca Romanæ Curiæ, the, 32.
Marc-vegin, the (Icelandic), 53, 74.
Maris, the Greek, 29.
Maroquita, the Double, of Spain, 58.
Marriages in the tenth century, 173.
Massamutin, the, of Spain, 58.
Measures, ancient, 88 *seq.*
Medial-thegns, xlvii., 46 *n.*, 117, 132.
Mediæval Standards, Tables of, 70-75.
Medimnus, the, 5, 24.
Menander, 7 *n.*
Merchet (mearc-scat), payment on the marriage of a vassal's daughter, xlviii. liii.
Mercian wergilds, 63; hides, 94.
Merkland, the, as a Scottish agricultural measurement, 141.
Merovingian currency, 20, 23.
Mile, the, 99 *n.*; the Roman, 100, 258, 259.
Miles agrarius, the, of Old Saxony, xxxiv. xxxvi. xlvi. liv., 130.
Military arrangements, ancient, amongst the Celtic and Teutonic tribes, 112 *seq.*
Military system of Rome, changes in, 15.
Milliarensis, the, 21.
Mina, the Attic, 1 *seq.*; Persian, 4; Egyptian and Ptolemaic, 6; the Hebrew, 7, 8.
Mines, silver and gold, 18.
Minores Pagenses, xii.
Minsters, three kinds of, mentioned in the old English laws, 122.
Mithcal, the, 3.
Mitta, the British, 68.
Mna, the Attic, 2.
Modius, the Roman, 1 *seq.*, 6 *n.*
Mommsen, 10, 12 *nn.*
Monetarius, the, 37.
Moothill, the, xii. xl.
Morabetin Khalifs, the, 48, 56.
Morabetin and Early Spanish currency, 55-60.
Morgen (land-measure) of Bremen, 90.
Mund-byrd, the, 61.
Municipality, the Roman, 237.
Murdrum, the law of, xvi.
Murilegulus, the, 37.
Myriad, the, 27.

Nativity, era of the, 79.
Nativus, the Saxon, lii. liv.
Neatman, the (customary tenant), 91, 247. *See* Geneat.
Neighbourhood, tie of, in the agricultural community, xxv. xxix., 247.
Night's feorm, xxix. *See* Feorm.
Nobiles, in the *Lex Saxonum*, xxxiii. xliv.
Nomads, herdsmen, and agriculturists, xxii.-xxv.
Norman land-measures, 90, 91.
Normandy, conquest of, xiii.; custom of, lx. *seq.*
Norway, kingdom of, xiii.
Norwegian and Irish currency, 52-55.
Noummos, the, 5.
Novi homines, the Roman, 233.
Nowtgeld, or Cornage (cattle-tribute in England), xxx., 38, 133 *seq.*, 146, 164.
Nummi denarii, 31, 261, 262.

Nummus, the, 13, 16; application of the name, 22.
Nun-minsters, 118, 174.

Obolus, the Attic, 2, 11; the Æginetan, 5, 27; the Ptolemaic, 11; its multiples, 31.
Obolus bractealis, the, 23.
Obroc (rent), xli. xlii.
Ochave, the Spanish, 60.
Odaller; *see* Ádaling.
Offa, coins of, 63, 64.
Oiffing, the Irish, 54.
Oirrigh, the Irish, 154.
Olympiads, the, 80.
Omer, the, 24, 26.
Ore, the, 39, 40, 50, 57. *See* Mediæval Standards.
Oribasius, 3, 5.
Osca, Spanish coinage of, 13.
Outland; *see* Inland.
Overhyrnes (prerogative due to the State or overlord), 103-106, 136.
Oxgang of land, 89, 99.

Pagus, the German, xxix. *seq.*, xlix.
Papal unction of kings, 204 *seq.*
Papirius Carbo, 13, 30.
Parage, tenure in, lxii. lxix.
Parochia, the (ecclesiastical district), 124.
Paschal cycles, 78 *seq.*
Pastoral communities, xxii.
Patres, the Roman, 243.
Patricians and Plebeians, Roman, xxv. *seq.*, lxviii., 219 *seq.*, 230, 232 *seq.*, 239-243.
Patronus (Pater-familias), the, 245, 256.
Penny, the early English, 63.
Penny, the sterling, 1, 20, 23, 47.
Penny-gavel, 94, 96, 103, 112, 133, 258.
Pennyweight, the silver, 3, 36.
Pentobolus, the, 12, 29.
Pepion, the Spanish, 59.
Persian currency, 4, 7, 13, 18, 24 *seq.*, 33.
Petits Royaux, 27, 48 *n.*
Pfleghaftige-leute, the, xxxv. *seq.*
Philip, the, or stater of Macedon, 13, 30.
Pinginn, the Irish, 23, 49, 54, 109, 135.
Pint measure, the, 69, 70.
Plato, 7.
Plautus, 8, 15.
Plebeian, the early Roman, xxv. *See* Patrician.
Plebiscita, laws passed by the Comitia, 242.
Plebs, the Roman, 235.
Plee de Terre, lxi.
Pliny, 2, 5, 8, 12.
Ploughgate, the, as a Scottish agricultural measurement, 135, 136, 141, 259.
Plough-land, the, 89, 99, 133.
Plutarch, 12.
Poid-de-Marc of Paris, 20.
Pole, the German (land-measure) 90 *seq.*
Pollux, 5, 11, 24 *seq.*
Polybius, 12, 13.
Pontifex Maximus, the, 218.
Portugal, marabotins of, 56.
Pound, the Roman and Byzantine, 1 *seq.*, 72.
Præpositus hostis, the, 113.
Præpositus mareschalli, the, 114.
Prætorians, the pay of the, 17.
Prerogative, two species of, xxxiii.
Princeps, the German, xxix.
Principes, xxxiii.
Priscian on Weights and Measures, 1, 2, *seq.*, 27.
Priscus Attalus, Medallion of, 21.
Procopius, 23.
Proletarii, the Roman, xxv. *seq.*, 15, 251, 256.
Public land, Roman,—laws and customs affecting, xxvi.-xxviii., 234, 242, 246, 249, 258 *seq.*
Publicani, the, 251.
Puicne, the Irish, 54.
Pyrrhus, war with, 11, 15.

Quadrigati and Bigati, Roman silver coins, 11 *seq.*, 31, 262.
Quæstores Classici, the, 252.
Quarter, the Irish, 143.
Queen, ancient use of the word, 166 *seq.*
Quinarius, the, 21.
Quiritarian ownership of land, xxvii., 244, 253.
Quirites, the Roman, 219, 224, 239, 246.

Radcnecht or Radman (Riding cniht), of Southumbrian England, xlvii., 139.
Rascalry, the, xvi.
Rast, the German, 89, 91.
Real, the Spanish, 60.
Reeve, office of, 119, 124, 130, 177 *seq.*
Refection; *see* Feorm.
Regensburg pound, the, 61, 74.
Regium geldum, the impost so called, 105.
Reich, Reichs-Schöppen, Reichs-Dienstman, Reichs-gute, xxxv. xl.
Relief, a fine exacted from the heir on succession, xlviii. liii. lix.
Republics, ancient, xix.
Rex, the Roman, 218.
Rhemnius Famius, 1, 2, 6, 24.
Rhodian standard, the, 9.
Ribaldi, the, of an army, 114 *n.*

Richter, the, xl.
Ricos Hombres, the Spanish, 256.
Ridings, the, of Yorkshire, 120.
Ritter, the, and the Ritterschaft, xxxii. lvi.
Rochelle marc, 60, 62.
Rome, 216 *seq.*; legendary and traditionary history of the ancient city, 228 *seq.*
Roman currency, the, 11-14.
Roman pound, 1-4.
Rood, the, 91.
Roturier tenure, l.
Ruoda (Manbote), xxxv., 51.
Russia, organization of the land in, prior to the recent emancipation, xli.-xliv.
Ruthe, the German (land-measure), 90.

St. Andrews, priory of, 126.
Sac and Soc, 117.
Sacgildt, silver used for (Iceland), 53, 74.
Sachsenspiegel, the (the old Saxon code), xii., 3, 47 *n.*, 52.
Sadberg, the wapentake of, 122.
Saer Ceili and Daer Ceili, 143, 157.
Saiga, the Bavarian, 61, 73.
Saltus, the Roman, 120, 121, 230, 231, 258.
Saracens, influence of the, in Spain and Italy, 55, 58.
Saxons, the, in England, xiii. *seq.*
Saxon confederacy, the, xxxiii.
Scaccario, the *Dialogus de*, xvi. lix. lxiv.
Scat-penny, the, 103, 134.
Sceatta, the early English, 63.
Schilling, the gold, 3; the English, 42, 61.
Schöppen, Schöppen-eigen, xxxv. xxxviii.
Schöppenbar Frey-leute, the, xxxv., 256.
Schuldheiss, the, xxxv. xxxviii. xl., 114.
Sciliata, the Vetus, of Spain, 58.
Scipreidor, the Norwegian, 119.
Scolocs, 157.
Scop, the, or bard, 39.
Screpall, the Irish, 54, 75, 142.
Scripula, the, 12, 19, 29.
Scruple, the, 2, 20, 49.
Scottish Statutes bearing on currency, 66.
Scutage, 97, 139 *n.*
Seah, the Hebrew, 6, 26.
Seam, the British, 68, 69.
"Sedes et Penates," xxxii. xliii.
Seleucidæ, currency of the, 10.
Sencleith, the Irish, 157.
Servian classification and assessments, 235.
Sester, the British, 68.
Sesterce, 2, 12.
Sextarius, the, 1, 2, 7, 24.
Sextula, the, 2, 42.
Sgreabal, the, 23.
Sheep, used for money, xxv., 41.
Shire, the, 112-133.
Shire-reeve; *see* Reeve.
Sicilicus, 26.
Sicily, as a Roman province, 246.
Sigel, the Irish, 54.
Siglos, the Persian, 4, 27.
Sil, the Irish, 155 *n.*
Silfur, the, 42, 48 *n.*, 50.
Sitarion, the, 3.
Sithessocna; *see* Gesith-socns.
Sixhyndman, the, xlviii., 131, 133.
Skatt; *see* Scat-penny.
Skeld (or Ecu), the, of Friesland, 50.
Socmen, the, of the Danelage, li.
Socn, lxvi., 117.
Solidus aureus, of Constantinople, 2 *seq.*, 20 *seq.*
Solidi, different kinds of, alluded to in the old Frison laws, 50. *See* Mediæval Standards.
Southumbrian shire, subdivisions of the, 118, 119.
Spain, acquisition of, by Rome, 18; early currency of, 55-60.
Spartan army, the, 223.
Stater, gold, of the Macedonian kings, 4, 18; the Corinthian, 5.
Steel-bow, the, of Scotland, liii., 158.
Stipendium, the, of the Roman soldier, 14-18, 30; origin of the word, 245.
Stock-farming among the early Romans, 245.
Stock-tenure of the Saer Ceili and Daer Ceili in Ireland, 143.
Stocks, or Cippus, xii.
Styca, the early English, 63.
Suabia, free community of, xxxviii.
Suling, the Kentish, 94, 95, 109
Sun-dial erected in the Roman Forum, 15.
Sweden, currency in, 53-4.
Switzerland, Forest Cantons of, xxxviii.
Symmachus, 2.
Syria, currency in, 7, 11, 26, 35.

Tacitus, 17.
Taeog, the Welsh, 133.
Talent, the, of Attic silver-weight, 1, 2, 3, 7, 34; the Persian silver, 4, 27,—gold, 34; of Ægina, 5; Sicilian gold, 5; Ptolemaic, 6, 8, 11, 26, 34; "Talent of the Islands," 9, 27, 32, 33; of Antioch (Syrian), 10; Euboic, 27 *seq.*; Hebrew, 35.
Tangah; *see* Dinar.
Taoisig; *see* Toshach.
Tartars, the, in Russia, xliii.
Taurisci, the, of Noricum, 18.

Tenmantale, the, 64, 98, 118, 137.
Tenure *per loricam*, 137 *n.*
Terence, 13.
Terminalia, Roman festival of the, 230.
Termons (church-lands) in Ireland, 147.
"Terra familiæ," xxxi.
Teutonic source of some of our ancient measures, 68.
Thane, the Scottish, and his Thanage, xvii. xlviii., 126 *seq.*, 160-165; notices of the institution on the Continent, 128, 129.
Theel-land, customs of the, xlv. *seq.*, lxvii.
Thegn, wergild of the, 61.
Thegn-right, 37 *n.*, 113, 196.
Thegn-wer, 196.
Theodoric, 22.
Thing, the, or Court, xl.
Thiufada, the, 113 *seq.*, 132.
Thryms, the, 42, 50.
Tiberius, 18.
Time, divisions of; *see* Sun-dial.
Tinde, the Irish, 54, 68, 75.
Tithes, exaction of, wide extent of, 103 *seq.*
Toll and Theam, 117.
Tomaun, the Persian, 8.
Torf, Thorp (German *Dorf*), the vill, xxxvi., 120, 137.
Torp-carl, the, of the Northmen, 93.
Torque, the Celtic, used instead of money, 39.
Toshach and Thane, distinction between, in Scotland, 162.
Toshach, the Irish, 154, 160 *seq.*; the Scottish, 162.
Tournois standard, 27, 32, 36, 43, 44 *seq.*
Tower, the, of London, lvii.
Tower pound, the, 36, 43, 67.
Townland, the Irish, 143.
Transylvania, Saxon colony in, xxxvii.
Tremissis, the, 41 *seq.*, 52, 73.
Tribes, the Roman, 229, 232 *seq.*, 260, 261; increase of their number, 233, 237 *seq.*, 261.
Tribune, the Roman, 223.
Tribe-lands among the Romans, laws affecting, 248.
Tricha-ced, the Irish, 144 *seq.*, 154.
Trinoda Necessitas, the, xlv. lvii.
Tripondium, the, 4 *n.*
Tron weight, 68.
Troy pound, 20, 36, 67.
Troyes-weight, 20, 43.
Troys,—London, French, and Dutch, 67.
Tsek, the Russian, xlii.
Tufa, the standard under which a Thiufada was gathered, 113, 114.
Tullagh, an Irish land-measure, 144.
Tun (township), the, and Tungreve, lxv., 118, 119, 154.
Turbe, the French (the Vill), 120, 132.
Turma and Turmarius, the, 120, 221.
Twelfhyndman, the, xxxiii. xlvi. *seq.*, lvi. lxv., 46, 64, 178; his original appanage, 121, 132, 133.
Twelve-hides, the, 121; its divisions, 122.
Twelve Tables, laws of the, xxv., 223, 244, 256.
Twyhyndman, the, xlviii. *seq.*, 131, 133, 178.
Tyaglo, the Russian, xlii.
Tyrian and Attic weight, 10.
Tything, the, and the Tythingman, lxv., 114, 130.

Uinge, the Irish, 54, 75, 109.
Uncia, the Sicilian, 5.
Utware, or military service, xlvii.

Valentinian, the elder, 20; the third, 22, 46.
Varro, 5, 8, 27.
Varthing, the Icelandic, 115.
Vassals, 117.
Vassi, Indominicati (baronage), x.
Vassi Dominicati, the, 131.
Vavassours, the, xlvii., 131.
Vectigalian, the Roman, xxviii., 230, 253, 259.
Vegin (marc), Norwegian, 53, 74.
Vehm, tribunal of the, xl.
Veii, siege of, 14; Rex of, 218; fall of, 231.
"Veil, taking the,"—ancient signification of the expression, 174.
Veitszlo tenure, 106, 112.
Vellon coinage of Spain, 41, 56.
Verus Annus, the, 86, 87.
Verus Valor, the, in Scotland, 141.
Vespasian, 1, 9.
Vestments of Roman State officials, 37.
Veterani, the, 15.
Victoriatus, a Roman silver coin, 13, 31.
Vienna, Broad pence of, 52,
Vill, the, 114, 118.
Villa, the Roman, xxv., 244.
Villani, the Saxon, xxxvi. lii. lxvi.
Villein, the Saxon, lii. lvii., 94, 100, 118.
Vitruvius, 9, 29.
Virgate, the, lii., 91, 95, 97.
Visigoths, military arrangements amongst the, 113 *seq.*
Visnet (= 3 vills), 137, 163.

Wadmal, 40, 52 *seq.*, 74.
Waldstatten; *see* Switzerland.
Wapentake, 122, 198.

War, science of, ix.
Ward and Blench tenure, 137, 140.
Ward, the, or Quarter, a subdivision of the county, 120, 121, 130.
Wardship, principle of, lx.
Wealas, the, of Cernw, 110.
Wealh, the (of provincial descent, = serf), xxxiii. xlviii.
Wedding, the ancient, 173.
Wede, the Frison, 40, 49.
Weights, Table of, 36.
Weispfenning, the, 48 *n.*
Welsh wergild, 62; Gwesdfa, 107.
Wendish currency, 51, 54, 72.
Wends, the, lv.
Werborh, the Saxon, liii.
Wergilds, the Saxon, lii., 42, 46, 50, 61, 132.
Werns; *see* Angles.
Wessex land-measures, 95, 96.
Westphalia, old Saxon usages still prevalent in, xxxvii.
Wey, the British, 68.
Widows, customs as to the dowry of, 61 *n.*
Wife, the King's, 166-171.
Wills, early, lviii.
Witan, the Anglo-Saxon, 198 *seq.*
Wool, as a medium of exchange, 41.

Xenia, payment of, l.

Year, the, civil and ecclesiastical, in the East and West, 76-78; four commencements of, in England, 79.
Yrfe (inheritance), amongst the Saxons, lii. lvii. lx. lxviii.

Zend-Avesta, the, xxiv.
Zent, the (Hundred), amongst the Eastern Franks, xxxviii.
Zinsmen, Zinsgut, xxxvi.
Zoroaster and his followers, xxiii.

PRINTED BY T. AND A. CONSTABLE, PRINTERS TO HER MAJESTY,
AT THE EDINBURGH UNIVERSITY PRESS.


00035441

Digitized with financial assistance from the
Government of Maharashtra
on 02 July, 2018